

GAHC010247632024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/1166/2024

PRADIP KONWAR @ KERKAN
S/O LATE PIRIKA KONWAR,
RESIDENT OF KUMURAGURI, PS AND DIST MORIGAON ,ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MRS DIPANJALI BORPUJARI,

Advocate for the Respondent : PP, ASSAM,

Linked Case :

PRADIP KONWAR @ KERKAN

VERSUS

THE STATE OF ASSAM

Advocate for : MRS DIPANJALI BORPUJARI
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MR. JUSTICE SUMAN SHYAM
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

02.12.2024

(Suman Shyam, J.)

Heard Ms. D. Borpujari, learned Legal Aid Counsel appearing for the applicant. Also heard Ms. A. Begum, learned Additional Public Prosecutor appearing for the State.

2. This I.A. has been filed under Section 5 of the Limitation Act, 1963 praying for condonation of the delay of 6 (six) days in preferring the connected appeal.

3. We have perused the explanation furnished in the application. Considering the fact that this appeal has been preferred from the jail and in view of the fact that an appeal against the judgment and order of conviction is a statutory right of the applicant, we are of the view that although the conviction of the applicant is under Section 376 AB of the IPC, yet keeping this matter pending merely for service of notice upon the informant would be a meaningless exercise, more so, in view of the explanation furnished in the application. As such, by invoking our inherent jurisdiction and for the ends of justice, we deem it appropriate to condone the delay of 6 (days) in preferring the

connected appeal by dispensing with service of notice upon the informant.

4. Office to register the appeal and list for admission.
5. I.A. stands disposed of accordingly.

JUDGE

JUDGE

Comparing Assistant