

GAHC010256712023



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

Case No. : I.A.(Crl.)/1118/2023

KISHORE MEDHI
S/O LATE DAMODHAR MEDHI,
VILL.- MOLONG GOAN UNDER JENGRAIMUKH POLICE STATION IN THE
DISTRICT OF MAJULI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY P.P., ASSAM.

2:SUNIL SAIKIA
S/O LATE JAGAT SAIKIA

VILL.- MOLONG GOAN UNDER JENGRAIMUKH POLICE STATION IN THE
DISTRICT OF MAJULI
ASSAM

Advocate for the Petitioner : MRS. P B BORDOLOI (LEGAL AID COUNSEL))

Advocate for the Respondent : PP, ASSAM

Linked Case :

KISHORE MEDHI

VERSUS

THE STATE OF ASSAM AND ANR. E

Advocate for : MRS. P B BORDOLOI
Advocate for : appearing for THE STATE OF ASSAM AND ANR. E

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 09.02.2024

Heard Ms. P.B. Bordoloi, learned legal aid counsel for the applicant.
Also heard Ms. S.H. Bora, learned Additional Public Prosecutor.

2. This application under Section 5 of the Limitation Act, 1963 has been filed by the applicant, namely, Kishore Medhi, praying for condoning the delay of 41 days in filing the connected criminal appeal impugning the judgment dated 28.07.2023, passed in Sessions Case No. 18/2023 by the learned Sessions Judge, Majuli, whereby the present applicant has been convicted under Section 326 IPC and has been sentenced to undergo rigorous imprisonment for 3 (three) years and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer further simple imprisonment for 1 (one) month.

3. The learned legal aid counsel for the applicant has submitted that she has been engaged in this case on 03.10.2023 by the Gauhati High Court Legal Aid Committee and some time was taken for preparation of appeal after going through the records of the case. The further reason for delay has been mentioned in paragraph nos.4 and 5 of the condonation of delay application.

4. The learned Additional Public Prosecutor, considering the fact that this

appeal has been preferred by the learned legal aid counsel, does not oppose the prayer for condoning the delay.

5. Considering the submissions of the learned counsel for the parties as well as considering the reasons mentioned in paragraph nos.4 and 5 of the condonation of delay application, this Court is of the opinion that the reasons stated in the said paragraphs are sufficient and good reasons for condoning the delay of 41 days in filing the connected criminal appeal. Hence the delay is hereby condoned and this interlocutory application is accordingly disposed of.

6. Let the connected criminal appeal be registered and listed on 21.02.2024.

JUDGE

Comparing Assistant