

GAHC010268452023



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

Case No. : I.A.(Crl.)/1151/2023

INDRAJIT DAS
S/O LATE PRIYALAL DAS,
R/O KAMAKHYA COLONEY, HOUSE NO. 64, P.S.- JALUKBARI, PIN- 781012
IN THE DISTRICT OF KAMRUP (M), ASSAM.

VERSUS

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

2:RAJU DAS
S/O LATE CHANDRA MOHAN DAS

R/O KAMAKHYA COLONEY
HOUSE NO. 64
P.S.- JALIUKBARI
PIN- 781012 IN THE DISTICT OF KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR S DAS

Advocate for the Respondent : PP, ASSAM

Linked Case :

INDRAJIT DAS

VERSUS

THE STATE OF ASSAM AND ANR. A

Advocate for : MR S DAS
Advocate for : appearing for THE STATE OF ASSAM AND ANR. A

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Advocate for : MR S DAS
Advocate for : appearing for THE STATE OF ASSAM AND ANR. A

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

24.06.2024

1. Heard learned counsel Mr. S. A. Hussain for the applicant, Indrajit Das.
2. This application has been filed by the applicant under Section 5 of the Limitation Act, 1963 with prayer for condonation of delay of 347 days in filing the connected appeal.
3. Heard learned counsel Mr. N. J. Das for respondent No. 2. Also heard Mr. K.

K. Parashar, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted that when the Judgment and Order was passed on 10.05.2022, the applicant was suffering from severe pain on his limbs. It is further submitted that the applicant being an illiterate person was unaware of any appellate provisions against the Judgment and Order. When he learnt about the provision of appeal from the jail inmates, then he has come forward and preferred this appeal.

5. I have considered the submissions at the Bar with circumspection.

6. It appears that there was no willful negligence on the part of the applicant. The applicant has shown sufficient grounds for condonation of delay, and delay is hereby condoned.

7. Office to register the connected appeal.

8. In view of the above observations, application stands disposed of.

JUDGE

Comparing Assistant