

GAHC010274552023



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

Case No. : I.A.(Crl.)/1209/2023

CHOTO TUDU
S/O LATE MANGAL TUDU,
VILL.- HUGRAJULI (SRINAGAR), P.S.- DHEKIAJULI, DIST.- SONITPUR.

VERSUS

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

2:PHULMANI MASDA
W/O LAKHESWAR BHUYAN

VILL.- KHAERBARI
JABRITOLA
P.S.- UDALGURI
DIST.- UDALGURI

Advocate for the Petitioner : MS. M BARMAN (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.05.2024

Heard Ms. M.Barman, learned Legal Aid counsel appearing on behalf of the applicant/
appellant and Mr. B.Sharma, learned Addl.P.P. for the State of Assam.

By this application under Section 5 of the Limitation Act, the applicant/ appellant has

prayed for condoning delay of 745 days in preferring appeal against the judgment and order, dated 07.09.2019 passed by the learned Sessions Judge, Udalguri in Sessions Case No.120/2017.

It is submitted by the learned Legal Aid Counsel that the accused has been convicted under section 304 Part-II of the IPC and sentenced to undergo imprisonment for 10 years with a fine of Rs.10,000/- in default further SI for 6 months. But there was some delay in filing the appeal as the copy of judgment, exhibits etc were not provided to engaged counsel on time.

Learned Addl.P.P. on the other hand submits that he has no objection if the delay is condoned.

Having considered the submission of the parties and on perusal of the grounds of delay, this court is inclined to condone the delay.

Accordingly, the delay of 745 days in preferring the connected appeal is hereby condoned.

The interlocutory application is hereby disposed of.

Registry is directed to register the appeal and list the same for admission hearing after 02(two) weeks.

JUDGE

Comparing Assistant