

GAHC010286382023



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

Case No. : I.A.(Crl.)/1249/2023

AJAY BHUMIZ
S/O SRI BOGAI BHUMIZ,
R/O AMGURI BORBAM, P.S.- HALUATING, DIST.- SIVASAGAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. HEREIN BY ITS PUBLIC PROSECUTOR.

2:SIVA MIRDHA
W/O LATE SAMRU MIRDHA

R/O HALUATING TEA ESTATE
P.S.- HALUATING
DIST.- SIVASAGAR
ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.01.2024

Heard Mr. S. Dey, learned counsel for the applicant

This interlocutory application has been filed under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 27 days in preferring the appeal

against the judgment dated 09.08.2023 passed by the learned Additional Sessions Judge, Sivasagar in Sessions Case No. 81(s-s)/2021 whereby the present petitioner was convicted under Section 306 of the Indian Penal Code and was sentenced to undergo rigorous imprisonment for five years and also to pay a fine of Rs.5,000/- and in default of the fine amount to face rigorous imprisonment for three months.

Learned counsel for the petitioner has submitted that the delay of 27 days in preferring the appeal was due to delayed furnishing of certified copy of the impugned judgment to the present petitioner, though the petitioner had applied for the said certified copy well within the time.

Considering the grounds mentioned in paragraph No. 3 of the condonation of delay application, the learned Additional Public Prosecutor does not oppose the prayer for condoning the delay.

Considering the submissions made by learned counsel for the petitioner as well as grounds mentioned in paragraph No. 3 of the condonation of delay application, this Court is of the considered opinion that delay in preferring the appeal has been sufficiently explained by the petitioner. Hence, the said delay of 27 days in preferring the appeal against the impugned judgment is hereby condoned.

Let the connected appeal be registered and listed thereafter. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant