



Case No. : I.A.(Crl.)/12/2022

SHRI. TIBET ASSUMI
S/O NIZHETO ASSUMI,V/O PHISAMI, P.O/P.S - KIPHIRE, DISTRICT - KIPHIRE,
NAGALAND

VERSUS

THE STATE OF NAGALAND
NAGALAND, KOHIMA 2:SHRI KHEHOI ACHUMI
S/O LATE MIGHISHE ASSUMI

V/O SURUMI VILLAGE

P.O/P.S -SURUHOTO
DIST. ZUNHEBOT

For the Applicant(s) : Mr. A. Zho, Amicus Curiae

For the Respondent(s) : Mr. V. Zhimomi, Government Advocate
: Mr. N. Mozhui, Amicus Curiae

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 13.06.2024

This is an application filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 1455 days in filing the accompanying appeal against the judgment and order dated 26.07.2018 passed by the learned District and

Sessions Judge, Zunheboto in ZBTO/PS/FIR No.21/17.

2. It is seen that the Court of the learned District and Sessions Judge, Zunheboto had convicted the Applicant herein and sentenced him to undergo rigorous imprisonment for 10 (ten) years and also to pay a fine of Rs.10,000/- and in default to pay the fine, the accused shall undergo further imprisonment for a period of 3 (three) months. It is also seen that the accused was arrested in the year 2017 and thereupon he is in custody.

3. It is further seen from a perusal of the condonation application that the Secretary, High Court Legal Services Authority, Kohima had appointed Mr. A. Zho, Advocate as the Amicus Curiae and the file was handed over to him on 17.06.2021 to file an appeal. Thereupon, the appeal was preferred and the matter has been taken up by the Legal Services Authority. Taking into account that the accused has been all along in custody since 2017, this Court is of the opinion that this is a fit case for condoning the delay of 1455 days in filing the accompanying appeal.

4. Accordingly, the I.A. stands allowed thereby condoning the delay of 1455 days.

Sd/-

JUDGE

Comparing Assistant