

GAHC020006642023



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

Case No. : I.A.(CrI.)/25/2023

CENTRAL BUREAU OF INVESTIGATION
GOVT OF INDIA, REPRESENTED BY THE SP, ECONOMIC OFFENCES BRANCH
HAVING ITS OFFICE AT CGO COMPLEX, F-WING (GROUND FLOOR), DF
BLOCK, SALT LAKE CITY, KOLKATA

VERSUS

SHRI. R EZUNG AND 2 ORS
THE THEN SECRETARY
DEPT. OF VETERINARY AND ANIMAL HUSBANDRY
GOVT. OF NAGALAND

Advocate for the Petitioner : BENDANGWABANG

Advocate for the Respondent :

Linked Case : I.A.(CrI.)/26/2023

CENTRAL BUREAU OF INVESTIGATION
GOVT OF INDIA
REPRESENTED BY THE SP
ECONOMIC OFFENCES BRANCH HAVING ITS OFFICE AT CGO COMPLEX
F-WING (GROUND FLOOR)
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VERSUS

SHRI R EZUNG AND 2 ORS
THE THEN SECRETARY
DEPT. VETERINARY AND ANIMAL HUSBANDRY
GOVT. OF NAGALAND

Advocate for : BENDANGWABANG
Advocate for : appearing for SHRI R EZUNG AND 2 ORS

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

08.04.2024

Heard Mr. Bendangwabang, learned Standing Counsel for the applicant CBI.

The present application is filed for condonation of delay of 150 days in preferring the connected I.A. being I.A.(Crl)/26/2023 for restoration of the criminal appeal being Crl.A./3/2021 which was dismissed for non prosecution by this Court under its order dated 26.05.2023.

The CBI preferred an appeal being Crl.A./3/2021 under Section 378(2) of the Code of Criminal Procedure, 1973, against the Judgment and Order dated 05.12.2019 passed by the learned Special Judge, CBI, Kohima in CBI Case RC No. 1(E)/2007, CBI vrs. Shri R. Ezung and Ors, whereby the respondents were acquitted for offences under Section 120B/409 IPC read with Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Notices were issued to the respondents. Notice to the

respondent Nos. 1 and 2 has duly been served and respondent No. 3 did not participate in the trial and notice is returned in this regard.

Thereafter, the petitioner also allowed to take steps through dasti and such Steps has been taken and an affidavit has been filed. Perused the same and service is accepted.

The cause of delay has been explained at paragraph 4 (a) to (i) of the present application.

The explanation given in the aforesaid paragraph shows that the applicant was not negligent in approaching the Court beyond the prescribed period of limitation and there were sufficient causes which prevented the applicant to approach this Court within time.

Accordingly, the present IA stands allowed. The delay stands condoned.

Registry to list the IA(Crl)/26/2023 in the next week.

IA(Crl)/25/2023 stands disposed of.

Sd/-

JUDGE

Comparing Assistant