

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(CRL.A.) No. 34 of 2024

Kangabam Ibomcha Meitei

... Applicant

- Versus -

State of Manipur

... Respondent

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. K. SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

[K. Somashekar, CJ]

17.06.2025

This proceeding has been filed seeking for condonation of delay of 3659 days to prefer an appeal relating to the judgment of conviction order of sentence rendered by Ld. Trial Court in Sessions Trial Case No. 11 of 2023 dated 30.08.2014 and the order of sentence dated 03.09.2014.

The applicant is preferring a miscellaneous case by filing an application under Section 5 of the Limitation Act and whereby, the application is appended with affidavit in detail. The impugned judgment and order is rendered by the Ld. Trial Court and held conviction against the accused for the offence under Section 302 of IPC, 1860 and sentence to undergo rigorous imprisonment of life and sentence to fine of Rs. 10,000/- (Rupees Ten Thousand) and the same has been indicated in this application whereby, seeking for condonation of delay of the considerable period of 3659 days in preferring appeal.

Whereas, the learned senior counsel for the applicant, Mr. N. Jotendro in this matter facilitates the judgment of conviction of order of sentence rendered from the offence which is reflected in the operative portion of the order. The applicant was arrested by the arresting authority on 27.04.2012 on being surrendered and after, the accused was remanded to judicial custody for a period of 6 (six) months and subsequently, on moving the bail application, the accused was released on bail and the same is also indicated in Para No. 4 of this application proceeding which is initiated relating to application filed under Section 5 of the Limitation Act.

Whereas, in this application, the learned senior counsel for the applicant has forcefully submitted for consideration of the reasons stated in the application and also seeking for condonation of delay of the considerable period of 3659 days in preferring criminal appeal for challenging the order of conviction of sentence which is rendered therein.

On this premises only, the learned senior counsel in this matter seeks for disposal of the miscellaneous case relating to filing an application under Section 5 of the Limitation Act.

Whereas, the learned Government Advocate, Mr. Athouba Khaidem in this matter is present before this Court physically and submits that he has filed response in detail on 13.06.2025. However, the learned Government Advocate addresses argument opposing the application for consideration and whereby, seeking for condonation of delay.

However, keeping in view of the reasons stated in the application, and also keeping in view of the response which is made by the learned Government Advocate in this application for condonation of

delay, but the applicant being a convicted person for the offence under Section 302 of IPC, 1860 thereby the Ld. Trial Court held conviction of imprisonment for life and sentence to fine and, the appeal is continuity of the proceeding and more so, it is required to revisit the impugned judgment and order of conviction of sentence and also the evidence is maintained by the prosecution and therefore, it is deemed appropriate that this application is required to be considered and accordingly, this miscellaneous case proceeding, whereby filing an application under Section 5 of the Limitation Act, is hereby considered and in the interest of justice.

Accordingly, this miscellaneous application proceeding is hereby disposed of.

Subsequent to disposal of the miscellaneous application proceeding, Registry is directed to list the main criminal proceeding No. 253 of 2024 in accordance with law on 10.07.2025.

JUDGE

CHIEF JUSTICE

Bipin