

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(Crl. A.) No. 12 of 2024

Thokchom Suraj Singh

... Applicant

Vs.

State of Manipur

... Respondent

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

O R D E R

06-04-2026

[1] Heard Mr. M. Gunedhor, learned counsel appearing for the applicant and Mr. H. Samarjit, learned senior counsel and PP assisted by Mr. Phungyo Zingkhai, learned Deputy GA appearing for the respondent.

[2] By a judgment and order dated 27-07-2023 passed by the Fast Track Special Court No. 1, Manipur in Special Trial (POCSO) Case No. 03/2020/10 of 2020, the present applicant was convicted for the offence punishable under Section 6 of the POCSO Act, 2012. Thereafter, sentence was passed on 31-07-2023 by the said learned Fast Track Special Court No. 1, Manipur, sentencing the applicant to undergo rigorous imprisonment for a period of 20 years with fine of Rs. 10,000/- (rupees ten thousand).

[3] Against the said judgment, the applicant filed a Statutory Appeal under Section 374(2) of the CrPC challenging the said judgment and order of the said sentence. However, there has been a delay of 172

days in filing the said appeal, hence the present application has been filed for condoning the said delay.

[4] Mr. M. Gunedhor, learned counsel appearing for the applicant submitted that the family members of the applicant are very poor and due to financial difficulties, it took time in filing the said appeal as well as the present condonation application. It has also been submitted that as the applicant has been lodged in the jail after passing of the said sentence, it was very difficult for him to have access to legal advice and to consult an advocate and also because of the financial constraint faced by the family members of the applicant, some delay has been caused in preferring the said appeal. The learned counsel further submitted that there was no intentional and deliberate negligence on the part of the applicant in preferring the said appeal and unless the said delay in preferring the said appeal is condoned, the applicant will suffer an irreparable loss and injury. The learned counsel, accordingly, prays for allowing the present condonation application and to hear the connected appeal on merit.

[5] In the objection filed by the respondents in the present condonation application, no substantial objection has been raised by the respondents, however, it has been averred in the said objection that the applicant has failed to provide sufficient reason for condoning the delay as he is required to give reasonable and proper explanation for the cause of delay. It has been submitted on behalf of the respondents that the present condonation application may be rejected.

[6] On considering the averments made in the present application filed by the parties and also after hearing the submission advanced by the learned counsel appearing for the parties, this court is satisfied that there was no negligence or lapses on the part of the applicant in preferring the connected appeal and that the delay has been caused due to the financial hardship faced by the family members of the applicant and as the applicant has been lodged in jail after he has been sentenced to undergo rigorous imprisonment. Accordingly, this court find sufficient reason for condoning such delay.

[7] In view of the above, the present condonation application is hereby allowed by condoning the delay of 172 days in preferring the said appeal. This court is also of the view that it will be in the interest of justice to hear the connected appeal on merit.

With the aforesaid direction, the present application is disposed of.

Registry is directed to number the connected appeal and to list it for Admission, if the same is otherwise found to be in order.

JUDGE

Devananda