GAHC010145962026

2026:GAU-AS:10336

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

Case No. : I.A.(Crl.)/719/2026

SRI RATUL SAIKIA
SON OF LATE JOGESWAR SAIKIA,
RESIDENT OF VILLAGE-JONAKINAGAR,POLICE STATION-GOLAGHAT,
POST OFFICE-GOLAGHAT DISTRICT-GOLAGHAT, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. B SARMA, LEGAL AID COUNSEL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28.07.2026

Heard Ms. B. Sarma, learned legal aid counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the opposite party.

2. This application, under Section 5 of the Limitation Act, 1963, is preferred by the applicant for condoning the delay of 59 days in preferring the connected

revision petition against the judgment and order dated 10.02.2026, passed by the learned Sessions Judge, Golaghat, in Criminal Appeal No. 6/2021.

3. It is to be noted here that vide judgment and order dated 10.02.2026, the learned Sessions Judge, Golaghat had dismissed the appeal preferred by the applicant and thereby upheld the judgment and order dated 06.01.2021, passed by the learned Chief Judicial Magistrate, Golaghat, in G.R. Case No. 1495/17.

3.1. It is also to be noted here that vide judgment and order dated 06.01.2021, the learned Chief Judicial Magistrate, Golaghat had convicted the applicant under Sections 326/448 IPC and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs. 5,000/-, with default stipulation, under Section 326 IPC, and also to undergo rigorous imprisonment for three months and to pay a fine of Rs. 500/-, with default stipulation, under Section 448 IPC.

4. Ms. Sarma, learned legal aid counsel for the applicant submits that the applicant is a poor person and he is not aware about the legal aid provided to the poor litigants by the District Legal Services Authority. She also submits that she had received the appointment letter from the Gauhati High Court Legal Services Authority to represent the applicant as the legal aid counsel on 18.06.2026, and thereafter, she had collected the relevant documents and in the meantime, delay of 59 days occurred in preferring the connected revision petition, and that the same is not intentional, rather it is circumstantial, and under such circumstances, she has contended to condone the same.

5. Mr. Sarma, learned Additional Public Prosecutor for the opposite party submits that he has no objection in the event of condoning the delay of 59 days in preferring the connected revision petition.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record, and also the explanation so put forwarded by the applicant, especially in paragraph Nos. 3 and 6.

7. Considering the submissions of learned counsel for both the parties, and also considering the explanation, so forthcoming for the delay, this Court is of the considered opinion that the delay of 59 days has sufficiently been explained and accordingly, the same stands condoned.

8. In terms of above, this I.A. stands disposed of.

9. In view of the order passed today in this I.A., now the Registry shall proceed to register the connected revision petition and thereafter, list the same before this Court as soon as practicable.

JUDGE

Comparing Assistant