Item -2

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(Crl.A.) No.3 of 2018

(Through Video conference)

Chingtham Ningol R.K. Ongbi Vidyattama Devi

…. *Applicant/s*

- Versus –

Thangjam Bijoy Singh

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

15.09.2020

The petition/application in MC(Crl.A.) No.3 of 2018 has been filed seeking the condonation of delay for 35 days in filing the petition/appeal.

[2] Today, I heard Mr. L. Seityandra, Ld. counsel for the petitioner/applicant and Mr. M. Devananda, Ld. counsel for the respondent.

[3] Mr. L. Seityandra, Ld. counsel for the petitioner/applicant raised the reasons in the affidavit in Para Nos. 4, 5 & 6 for condoning the delay of 35 days in filing the appeal. The reasons are as follows:-

> *"4. That, in the meantime, the said Chingtham Shrikant Singh expired on 13-12-2015 and without the knowledge of the applicants the ld. Chief Judicial Magistrate, Imphal West passed the order dated 17.06.2016 thereby dismissing the complaint for non-appearance of the complainant and the accused (respondent) was acquitted.*
>
> *5. That, after the expiry of the Chingtham Shrikant Singh (complainant) the applicants could not make enquiry*

about the said complaint case. On the other hand the father of the Applicants, Chingtham Nabadwip Singh, who was an aged person did not keep good health and the applicants were engaged in the treatment of their father at different clinics and hospitals.

6. That, after the demise of their father in the month of April, 2018, the petitioner visited to the chamber of counsel of their late brother recently i.e. 17-08-2018 and it was learnt that the complaint case was dismissed on non-appearance. Thus, there has been delay of 33 days from the date of knowledge in filing the said appeal after expiry of 30 days excluding the time taken in obtaining certified copy of the said impugned mutation order i.e., 6 days."

[4] Mr. M. Devananda, Ld. counsel who appeared for the respondent has made no objection.

[5] Admittedly, the reasons for delay given in the affidavit in Para Nos.4,5&6 are satisfactory one and the respondent's counsel also made no objection for allowing the condone delay petition in MC(Crl.A.) No.3 of 2018.

[6] Accordingly, this petition/application being MC(Crl.A.) No.3 of 2018 is allowed.

JUDGE

Larson

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