GAHC040013672026

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

Case No. : IA(Crl)/81/2026

Bhawani Chetry
Son of Late Gajinder Chetry, resident of Balijuri, PO Balijuri, PS Sootea, Sonitpur District, Assam. presently lodged at District Jail Tezu.

VERSUS

The State of AP and Anr
represented by the PP of AP 2:XXX
Age: 0
Occupation :
victim in POSCO Case No. 08/ 2021 arising out of Lumla PS Case No. 01/202

Advocate for the Petitioner : Signal Yirang, Legal Aid Counsel

Advocate for the Respondent : P P of AP, Legal Aid Counsel,L Lombi

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 10.11.2026

(Y. Longkumer, J.)

Heard Mr. K. Takar, learned counsel appearing on behalf of Mr. S. Yirang, learned counsel for the applicant. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State and Ms. L. Lombi, learned Legal Aid Counsel for the respondent No.2.

2. By filing the instant application under Section 5 of the Indian Limitation Act, 1963, the applicant prays for condonation of delay of 1527 days in preferring the appeal against the impugned judgment of conviction and order of sentence dated 10.02.2022, passed by the learned Special Judge (POCSO), Bomdila, Arunachal Pradesh in POCSO Case No.08/2021 arising out of Lumla P.S. Case No.01/2021 convicting the applicant for offences under Section 6 of the POCSO Act R/w Section 506 of the IPC, 1860.

3. The learned counsel for the applicant submits that the grounds for delay have been set out in Paragraph-3 of the application. We have observed that due to severe financial constraints and lack of legal awareness, the appellant/applicant was unable to file the appeal within the prescribed period of limitation, resulting in a delay in filing the appeal.

4. Mr. T. Ete, learned Additional Public Prosecutor as well as Ms L. Lombi, learned Legal Aid Counsel for the respondent No.2 have submitted that they have no objection regarding the delay and would like to hear the main appeal on merits.

5. We have duly examined the reasons for the delay set out in the pleadings and we have observed that sufficient grounds have been set out to explain the delay. In view of the same, the instant application is allowed. The delay of 1527 days in preferring the appeal is condoned.

6. Accordingly, the interlocutory application stands allowed and disposed of.

7. Registry to list the main appeal for admission on **19.11.2026**.

JUDGE **JUDGE**

Comparing Assistant

CHECKED & VERIFIED

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