GAHC010028002026

2026:GAU-AS:16138

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

**Case No. : I.A.(Crl.)/144/2026**

SRI LAKSMAN GIRI ALIAS LAKHMAN GIRI
SON OF LATE JIT BAHADUR GIRI, RESIDENT OF VILLAGE- DEOSRI NO -2
P.S. - RUNIKHATA, DISTRICT- CHIRANG ,ASSAM. PIN-784025

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:SRI SALIA SOREN
SON OF LATE DHENGA SOREN RESIDENT OF VILLAGE-DEOSRI NO -2 P.S-RUNIKATA
DISTRICT CHIRANG
ASSAM 78402

**Advocate for the Petitioner** : MR H J TAMULI, MR. D K GUPTA

**Advocate for the Respondent** : PP, ASSAM, MR. SURAJIT DAS, AMICUS CURIAE, R2

Linked Case : ST.Rev./0/0

SRI LAKSHMAN GIRI ALIAS LAKHMAN GIRI
SON OF LATE JIT BAHADUR GIRI
R/O VILLAGE DEOSRI NO 2
RUNIKHATA
CHIRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:SRI SAILA SOREN

SON OF LATE DHENA SOREN
R/O VILLAGE DEOSRI NO 2
RUNIKHATA
CHIRANG, ASSAM
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Advocate for : MR DIPANGKAR KALITA
Advocate for : appearing for THE STATE OF ASSAM

**BEFORE**
**HON'BLE MRS. JUSTICE MITALI THAKURIA**

O R D E R

Date : 04.11.2026.

Heard Mr. A.K. Gupta, learned counsel for the applicant/ appellant. Also heard Ms. S.H. Bora, learned Addl. P.P., Assam appearing for the respondent No.1, as well as Mr. C. Sarma, learned counsel appearing on behalf of Mr. Surajit Das, learned Amicus Curiae for the respondent No.2.

This is an application filed under Section 5 of the Limitation Act for the condoning the delay of 317 days in preferring the connected Criminal Appeal, against the judgment and order dated 18.08.2024, passed by the learned Special Judge, Chirang at Kajalgaon in Special POCSO Case No. 11/2024, convicting the applicant/appellant under Section 10 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.10,000/- with default stipulation.

It is submitted by Mr. Gupta, the learned counsel that the applicant/appellant is still inside the jail and there is no other family member except his son who was working as labourer in Bhutan and hence, he could not contact any counsel to prefer the appeal within the period of limitation. After collecting the certified

copy etc., they approached the counsel and there after only, the appeal could be filed with a delay of 317 days. There is no intentional lashes or negligence on the part of the applicant/appellant in preferring the connected appeal within the stipulated period of time.

Ms. Bora, the learned Addl. P.P., Assam submitted in this regard that this is a statutory appeal where the applicant/ appellant is still behind the bar and hence, the State has no objection if the delay of 317 days in filing the connected appeal is condoned.

Mr. C. Sarma, learned counsel appearing on behalf of Mr. Surajit Das, learned Amicus Curiae also submitted that the respondent No.2 has no objection if the delay is condoned in preferring the connected criminal appeal and the appeal is registered accordingly.

Considering the submissions made by learned counsel for the parties and the grounds mentioned in the present Interlocutory Application, this Court is of the opinion that there was reasonable ground for preferring the connected Criminal Appeal with the delay of 317 days and hence, for the ends of justice, the delay is condoned.

The Registry is accordingly directed to register the connected Criminal Appeal and list the same accordingly.

This Interlocutory Application stands allowed and disposed of accordingly.

JUDGE

**Comparing Assistant**