GAHC010095712025

2026:GAU-AS:15508

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

Case No. : I.A.(Crl.)/620/2025

SANJAY DARJEE
S/O. SRI GIRI DARJEE, RESIDENT OF BORBILLA, KALONGPAR, PS SONAPUR DISTRICT KAMRUP METROPRESENTLY SERVING SENTENCE IN CENTRAL JAIL, GUWAHATI

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PP, ASSAM.

2:KESHAB NEWAR
S/O. LT. INDRA BAHADUR NEWAR
RESIDENT OF BORBILLA VILLAGE
PS SONAPUR
KAMRUP METRO
ASSA

Advocate for the Petitioner : DR. P AGARWAL, FOR LEGAL AID

Advocate for the Respondent : PP, ASSAM,

Linked Case : ST.Rev./0/0

SRI SANJAY DARJEE
RESIDENT OF BORBILA KALONGPAR PS SONAPUR DISTRICT KAMRUP METRO

VERSUS

STATE OF ASSAM AND ORS
PP ASSAM

2:SHRI KESHAB NEWAR
RESIDENT OF BORBILLA VILLAGE PS SONAPUR KAMRUP METRO ASSAM

Advocate for : Sonali Nath
Advocate for : appearing for STATE OF ASSAM AND ORS

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Dr. P. Agarwal, learned counsel appearing for the applicant. Also heard Mr. K.K. Das, learned APP appearing for the State of Assam and Ms. N. Hazan, learned Amicus Curiae appearing for the respondent No.2.

2. By this application filed under Section 5 of the Limitation Act, the applicant has prayed for condonation of the delay of 741 days in preferring the appeal against the judgment and order dated 22.02.2023 passed by the learned Additional Sessions Judge-cum-Special Judge, POCSO, Kamrup (M) in Sessions Case No. 274 of 2018.

3. The applicant in paragraphs 3, 4 and 5 of the instant application has narrated the reasons for the delay. It is stated therein that after the judgment and order dated 22.02.2023 was passed the applicant attempted to prefer an appeal. However, due to financial inability he could not prefer the appeal within the prescribed period of limitation and accordingly requested the jail authorities to provide legal aid for preferring the appeal. It is further stated that the application was forwarded to the District Legal Services Authority on 25.01.2025

which was thereafter forwarded to the High Court Legal Services Committee on 27.01.2025. It is further stated that the High Court Legal Services Committee assigned the case to the legal aid counsel vide letter dated 05.02.2025 whereafter she sought certain documents which were duly provided to her. Consequently, the aforesaid circumstances resulted in a delay of 741 days in preferring the appeal.

4. The reasons for the delay, as narrated in the affidavit are found to be satisfactory, more so in view of the fact that the applicant has been in custody since the date of the judgment.

5. Ms. N. Hassan, learned Amicus Curiae has also in her usual fairness submitted that the matter may be heard on merits.

6. In view of the above, this Court condones the delay of 741 days in preferring the criminal appeal against the judgment and order dated 22.02.2023 passed by the learned Additional Sessions Judge-cum-Special Judge, POCSO, Kamrup (M) in Sessions Case No. 274 of 2018.

7. The interlocutory application stands disposed of accordingly.

8. The Registry is directed to register the criminal appeal and list the same for admission.

JUDGE

Comparing Assistant