GAHC010103692026

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

Case No. : I.A.(Crl.)/556/2026

BANI KANTA BORO
S/O LATE JAMBA BORO, R/O VILL SADUAPARA, PS PANBARI, DIST CHIRANG, ASSAM

VERSUS

KABINATH BORGOYARY
S/O LATE NABIN BORGOYARY, R/O VILL SALBARI, PO BENGTOL, PS RUNIKHATA, DIST CHIRANG, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN,R MALI,SAMIM RAHMAN,MR. SURAJIT DAS

Advocate for the Respondent : MS A BORAH,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 18.11.2026

Heard Mr. S. Nawaz, learned Counsel for the applicant and Ms. A. Bora, learned Counsel for the respondent.

2. By this application filed under Section 5 of the Limitation Act, 1963, the

applicant has prayed for condoning the delay of 187 days in filing the connected the criminal revision petition.

3. The learned Counsel for the applicant submits that the delay caused in filing the connected criminal revision petition has been mentioned in the said application more specifically in paragraph 4, 5, 6 and 7, wherein it is stated that after the judgment was passed by the Trial Court on 10.06.2025, an appeal was preferred before the Appellate Court and the said appeal was disposed of within a period of two months and that the applicant was unaware of the same and that during the course of the appeal proceedings, it is stated that the applicant loss contact with his engaged counsel and was totally unaware of the fact that the appeal was disposed. It is also stated that the applicant's wife was unwell and that he was busy in her treatment and that on recovery of his wife's health, he visited his Counsel on 01.04.2026 and thereafter the certified copies of the relevant documents of the appeal were applied and the same were procured on 08.04.2026. It is also stated that thereafter there was holidays and there was elections also and that some delay is caused and thereafter the applicant had visited the chambers of the learned Counsel and handed over the relevant documents and finally the revision petition was drafted and was filed on 22.05.2026 causing a delay of 187 days. It was stated that the said delay was beyond the control of the applicant and the same being not deliberate, prayer is made for condonation of the same.

4. On the other hand, Ms. A. Bora, learned Counsel for the respondent submits that the applicant had not explained the delay as is required under the law. She submits that loosing contact with the Counsel cannot be believed and she also submits that a money suit was also pending which was filed by the applicant and that it is not possible that the applicant will not know about the

disposal of the appeal. She further submits that the medical certificate annexed by the applicant also does not relate to the said period, which is stated by the learned Counsel for the applicant in his application. Further, she submits that the applicant is stated to have moved from one place to another but the same is also not believable.

5. Upon consideration of the submissions made by the learned Counsels, this Court is satisfied with the grounds taken by the applicant in the application for condonation of the delay. Further, with regard to the merit of the case, it is seen that the matter be heard by this Court. It is also seen that the applicant was inflicted with the punishment of SI for a period of six months with compensation of amount of Rs. 9,50,000/- as being modified by the Appellate Court and as such, this Court finds it fit to condone the delay of 187 days in filing the connected criminal revision petition.

6. As such, the delay is condoned and the Registry is directed to register the criminal revision petition and list it for admission.

7. Accordingly, the said Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant