GAHC010133852026

2026:GAU-AS:16053

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

Case No. : I.A.(Crl.)/924/2026

SRI KATIRAM SUTRADHAR
S/O. SHEO SUTRADHAR, R/O. KAKRAGAON, BHATIPARA UNDER KAJALGAON, PO AND DIST. CHIRANG, ASSAM

VERSUS

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

2:SHI MAHENDRA DAS
S/O. NIKANTA DAS
R/O. BENIBARI
HIRAPARA UNDER KAJALGAON
PO AND DIST. CHIRANG
ASSA

Advocate for the Petitioner : MR. U CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

Linked Case : ST.Rev./0/0

SRI KATIRAM SUTRADHAR
SO SHEO SUTRADHAR
RO KAKRAGAON
BHATIPARA UNDER KAJALGAON
PO AND DIST CHIRANG
ASSAM

VERSUS

THE STATE OF ASSAM
PP ASSAM

2:SHI MAHENDRA DAS
RO BENIBARI
PO HIRAPARA UNDER KAJALGAON
PO AND DIST CHIRANG
ASSAM

Advocate for : UJJAL CHOUDHURY
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 03.11.2026.

Heard Mr. U. Choudhury, learned Legal Aid Counsel appearing for the applicant/appellant. Also heard Ms. S.H. Bora, learned Addl. P.P., Assam appearing for the State of Assam/respondent No. 1.

As per the office note dated 27.10.2026, it is seen that the applicant has not taken any steps for the respondent No.2. However, it is submitted by Mr. Choudhury, the learned Legal Aid Counsel that on 29.10.2026, the applicant had already taken steps on the respondent No.2 and one acknowledge document is also furnished by Mr. Choudhury.

This is an application filed under Section 5 of the Limitation Act for the condoning the delay of 42 days in filing the connected Criminal Appeal under Section 415(2) of the BNSS, 2023, against the judgment and order dated 13.03.2026, passed by the learned Special Judge, Chirang at Kajalgaon in Special POCSO Case No. 32/2025, arising out of Kajalgaon P.S. Case No.97/2025, 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.5,000/- with default stipulation.

It is submitted by Mr. Choudhury, the learned Legal Aid Counsel that there was a delay of 42 days in preferring the connected Criminal Appeal as the communication between the Legal Services Authority with the counsel as well as handing over/sending the relevant documents etc. took some time for which there was a delay of 42 days. As the applicant/appellant is inside the jail, there is no intentional lashes or negligence in preferring the connected appeal within the stipulated period of time.

Ms. Bora, the learned Addl. P.P., Assam submitted in this regard that the State respondent has no objection if the delay of 42 days in preferring the connected Criminal Appeal is condoned 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 42 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, reflecting the name of Mr. U. Choudhury, learned Legal Aid Counsel appearing for the appellant in the cause list as well as in the case record.

This Interlocutory Application stands allowed and disposed of accordingly.

JUDGE

Comparing Assistant