GAHC010215882026

2026:GAU-AS:15288

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

Case No. : I.A.(Crl.)/1014/2026

SRI DIMBESWAR BAISHYA @ HARIHAR
SON OF LATE UMESH BAISHYA, RESIDENT OF VILLAGE- SARIATALI
MILANPUR, P.S.- RAHA, IN THE DISTRICT OF NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P., ASSAM

2:SMTI. AJANTA BAISHYA
WIFE OF SRI DIMBESWAR BAISHYA
RESIDENT OF VILLAGE SARIATOLI
MILANPUR
P.S. RAHA
IN THE DISTRICT OF NAGAON
ASSA

Advocate for the Petitioner : MR. P BORAH, MRS K M SAIKIA

Advocate for the Respondent : PP, ASSAM,

Linked Case : ST.Rev./0/0

SRI DIMBESWAR BAISHYA ALIAS HARIHAR
SON OF LATE UMESH BAISHYA RESIDENT OF VILLAGE SARIATALI
MILANPUR PS RAHA DISTRICT NAGAON ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
PP ASSAM

2:SMTI AJANTA BAISHYA
WIFE OF SRI DIMBESWAR BAISHYA RESIDENT OF VILLAGE SARIATOLI MILANPUR PS RAHA DISTRICT NAGAON ASSAM

Advocate for : Krishna Moni Saikia
Advocate for : appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

09.10.2026

1. Heard Mr. P. Borah, learned counsel appearing for the applicant. Also heard Mr. D.P. Goswami, learned APP appearing for the State of Assam.

2. The applicant has prayed for condonation of the delay of 5 (five) days in filing the connected criminal appeal. The applicant seeks to challenge the judgment and order dated 09.06.2026 passed by the learned Additional Sessions Judge No. 3, Nagaon, Assam in Sessions (T-2) Case No. 178 (N)/2016 whereby the applicant was convicted under Section 489A of the IPC and sentenced to undergo simple imprisonment for a period of 2 (two) years along with fine and default stipulation.

3. The learned counsel appearing for the applicant submits that the reasons for the delay have been explained in the petition. It is stated that after the judgment and order was passed the applicant faced severe financial constraints and was unable to travel to Guwahati to file the criminal appeal. Subsequently, upon arranging the requisite funds the applicant engaged counsel to prepare

and file the connected criminal appeal. However, the engaged counsel suddenly fell ill while preparing the appeal which ultimately resulted in a delay of 5 (five) days in filing the same. The learned counsel however submits that reckoned from the date of receipt of the certified copy of the judgment there is, in fact, no delay in filing the criminal appeal. Nevertheless, by way of abundant caution the applicant has sought condonation of the delay.

4. This Court is satisfied with the reasons assigned in the application. More particularly, considering that the question of condonation of delay concerns the Court and the party seeking such condonation, this Court condones the delay of 5 (five) days in preferring the connected criminal appeal.

5. The interlocutory application stands disposed of.

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

JUDGE

Comparing Assistant