GAHC010215902026

2026:GAU-AS:15963

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

Case No. : I.A.(Crl.)/1007/2026
in
Crl. Rev. P. 6866/2026
Filing Number

MD REKIBUDDIN AHMED
S/O- LATE SAMSUDDIN AHMED, RESIDENT OF NIZ TENGAKHAT, P.S. TENGAKHAT, DISTRICT- DIBRUGARH, ASSAM

VERSUS

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

2:SMT NASIMA BEGUM
DAUGHTER OF MD. NAUSHAD KHAN RESIDENT OF NIZ TENGAKHAT
PO AND PS TENGAKHAT
DISTRICT- DIBRUGARH
ASSAM PIN 786103

Advocate for the Petitioner : ATIULLAH HAWARI,

Advocate for the Respondent : PP, ASSAM,

Linked Case :

MD. REKIBUDDIN AHMED
S/O- LATE SAMSUDDIN AHMED
R/O NIZ TENGAKHAT
P.S.-TENGAKHAT
DIST.- DIBRUGARH
ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P.
ASSAM.

2:SMT. NASIMA BEGUM
D/O MD. NAUSHAD KHAN
R/O NIZ TENGAKHAT
P.O.AND P.S.- TENGAKHAT
DIST.- DIBRUGARH
ASSAM PIN-786103.

Advocate for : ATIULLAH HAWARI
Advocate for : appearing for THE STATE OF ASSAM AND ANR.

BEFORE

HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

02-11-2026

Heard A. Hawari, learned counsel for the applicant and Ms. S. H. Borah, learned Additional Public Prosecutor, Assam.

2. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 231 days in preferring the connected criminal revision petition against the judgment dated 15.09.2025, passed by the learned Additional Sessions Judge, Dibrugarh in Crl. A. No. 10(1)/2025, whereby, the judgment passed by the learned CJM, Dibrugarh was slightly modified and the petitioner was sentenced to undergo R.I. for the period already undergone by the applicant and to pay the enhanced fine of Rs.10,000/-.

3. It is submitted by Mr. Hawari, learned counsel that though the as per the order of the learned Additional Sessions Judge his period of imprisonment for 1 year was modified to S. I. for the period already undergone by the applicant,

but infact the petitioner was never under any detention and for that the applicant had approached the learned Trial Court on several occasion for payment of the enhanced amount of fine of Rs.10,000/-, but the learned Trial Court had refused to receive the enhanced amount and for that reason only there was delay of 231 days in preferring the connected criminal revision petition. However, there is no intentional latches or negligence on the part of the applicant and accordingly prayed for condonation of delay of 231 days in preferring the connected revision petition.

4. Ms. Borah, learned APP raised no objection and submitted that the delay of 231 days may be condoned and the revision petition may be numbered and registered.

5. Considering the submission made by the learned counsel for the parties, this Court is of the opinion that the grounds for delay is found to be justified and accordingly, the delay of 231 days in preferring the connected criminal revision petition is hereby condoned.

6. The Registry is directed to register and number the connected appeal and to list the same in due course of time.

8. With the above observation and direction, this interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant