GAHC030008112026

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

Case No. : I.A.(Crl.)/60/2026

Sh. Lianchithanga
S/o Tialchhawna, Kanan Veng, Champhai

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Jordan Rohmingthanga

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MR. JUSTICE NCHUMBEMO MOZHUI

JUDGEMENT

Date : 29-10-2026

Heard Mr. C. Tlanthianghlima, learned counsel for the applicant. Also heard Ms. Linda L. Fambawl, learned Addl. P.P for the State.

The instant application has been filed under section 5 of the Limitation Act, 1963 r/w section 415 (2) BNSS, 2023 in the delay of 88 days in preferring an appeal against the impugned judgment dated 21.05.2026 and the sentence dated 22.05.2026, passed by the leaned Special Judge, Special Court, NDPS Act,

Aizawl Judicial District, Aizawl, Mizoram, in Session Registration No. 313 of 2023 (Ref: Special Narcotic P.S Case No.28/2023 dated 22.04.2023), convicting the applicant/appellant under section 22(c), of the NDPS Act 1985, sentencing him to undergo rigorous imprisonment for a period of 10 years and pay a fine of Rs.1 lakh, in default, S.I for a period of 6 months.

The learned counsel for the applicant submits that the delay caused in filing the connected appeal was on the ground that the applicant was incarcerated at Central Jail, Aizawl since his arrest on 22/04/2023 till the pronouncement of the impugned judgment and sentence dated 21/05/2026. The applicant informed his wife about the conviction only in the first week of June 2026.

Thereafter, the wife of the applicant immediately consulted a lawyer to prefer an appeal against the conviction during the second week of June 2026. After consultation, the applicant wanted to file an appeal, but because of the financial condition of the family member, he could not prefer the appeal. It was only in the last week of June 2026, that the applicant and his wife decided to prefer the appeal against the order of conviction. Accordingly, the applicant wife along with family member contacted the lawyer, who agreed to file the appeal.

Thereafter, in the first week of July 2026, the applicant wife contacted the lawyer for preferring the appeal. However, because of the ongoing summer vacation of the Court commencing from 04/07/2026 to 12/07/2026, the lawyer advised the family to hand over the copy of the impugned judgment and sentence order and collect all the related documents from the previous counsel before the learned trial court and contacted him in the last week of July 2026. The lawyer took the brief and informed the family of family to study as to whether there was good ground to challenge the conviction and sentencing

order.

By that time, the mandatory statutory period of 60 days has lapsed on 20/07/2026. Thereafter, the present lawyer informed the applicant wife and relative on 28/07/2026 that there was a reasonable ground to challenge the impugned judgment and sentence order. In spite of the advice by the lawyer, the applicant contemplating to challenge the impugned judgment and sentencing order, took him 20 days to decide i.e from 28/07/2026 to 17/08/2026 as he was facing financial constraint could not materialize.

Thereafter on 18/08/2026, the applicant decided and informed his lawyer to file an appeal. In the last week of August 2026, the lawyer asked the applicant's wife to get a certified copy of the impugned judgment and sentencing order from the trial court lawyer. However, the same could not be obtained, and the present lawyer had to take initiative to apply for the certified true copy of the impugned judgment and sentencing order, and in the meanwhile, was in the process of preparing the appeal memo. It took 15 days to prepare the draft of the present application along with the connected appeal. However, from 18/09/2026 to 22/09/2026, the present lawyer was out of station. The certified true copy of the impugned judgment and sentencing order was obtained only on 09/10/2026. However, on going through the certified true copy, the dates in the folio were wrongly written, which was needed to be rectified from the concerned court. But from 12/10/2026 to 14/10/2026, the concerned Chief Administrative Officer, Aizawl Judicial District, was on leave/training and the same could be rectified only on 15/10/2026. As such, there was a total of 88 days of delay in preferring the connected appeal along with the instant application, which was neither intentional/deliberate but because of the reason stated above.

The learned Addl. P.P submits that she has no objection the condonation of delay and prays that the application may be allowed.

In the above circumstances and for the reasons stated above as explained by the applicant, this Court is of the opinion that the delay of 88 days be condoned in the interest of justice.

Accordingly, the delay of 88 days is condoned.

I.A(Crl) stands disposed.

Registry is directed to number the connected appeal and place before the Court for necessary orders.

JUDGE

Comparing Assistant