

GAHC010005372026



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

Case No. : I.A.(Crl.)/26/2026

AMZAD ALI SHEIKH
S/O LATE SEBAT ALI, R/O BHARALUPAR, KATAHBARI 4 NO. MASZID GALI,
P.S- GORCHUK, DIST- KAMRUP (M), ASSAM, PERMANENT ADDRESS- VILL-
PANBARI, P.O- PODMERALGA, P.S- FAKIRGANJ, DIST- DHUBRI, ASSAM,
PIN- 783330

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:AKBAR ALI
S/O LATE HASEN ALI
R/O BHARALUPAR
KATAHBARI 4 NO. MASZID GALI
P.O AND P.S- GORCHUK
DIST- KAMRUP (M)
ASSAM
PIN- 78103

Advocate for the Petitioner : MR. A MOBARAQUE, MR. S P CHITTAWAT

Advocate for the Respondent : PP, ASSAM,

Linked Case : EC/0/0

AMZAD ALI SHEIKH
SO LATE SEBAT ALI

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KATAHBARI 4 NO MASZID GALI
PS GORCHUK
DIST KAMRUP M
ASSAM
PERMANENT ADDRESS VILL PANBARI
PO PODMERALGA
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MASZID GALI
PS AND PO GORCHUK
DIST KAMRUP M
ASSAM
PIN 781035

Advocate for : MR ABDUL MOBARAQUE
Advocate for : appearing for THE STATE OF ASSAM

Linked Case : ST.Rev./0/0

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BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.01.2026

[Manish Choudhury, J]

Heard Mr. T. T. Moni on behalf of Mr. A. Mobaraque, learned counsel for the appellant/applicant; and Ms. B. Bhuyan, learned Senior Counsel & learned Additional Public Prosecutor assisted by Ms. R. Das, learned counsel for the opposite party-respondent No. 1, State of Assam.

This instant application is preferred under Section 5 of the Limitation Act, 1963 is preferred seeking condonation of delay of 18 days in filing the accompanying criminal appeal.

The appellant/applicant has preferred the accompanying criminal appeal against

a Judgment dated 11.09.2025 and an Order of sentence dated 24.09.2025 passed by the learned Additional Sessions Judge cum Special Judge (POCSO), Kamrup (M) ('The Special Court' for short) in Sessions Special Case no. 221/2024. By the said Judgment and Order dated 11.09.2025 and 24.09.2025, the accused appellant/applicant has been convicted for the offences under Section 4(2) of the POCSO Act and Section 65(1) of the BNS, 2023. For the offence under Section 4(2), the appellant/applicant has been sentenced to undergo rigorous imprisonment for 20 years and to pay a fine of Rs. 20,000/-, with default stipulation.

We have gone through the statements and averments made in the instant application, more particularly, Paragraphs-4 & 5, thereof. Having gone through the same, we are of the considered view that the appellant/applicant has been able to show sufficient cause for the period of delay. Further, this Court is of the considered view that since the appellant/applicant has been sentenced to undergo rigorous imprisonment for life, interest of justice would also be better sub-served if the accompanying criminal appeal is heard on merits.

The learned Senior Counsel & Additional Public Prosecutor for the State has submitted in similar lines.

As the appellant/applicant has been able to show sufficient cause, we are of the view that this application can be considered dispensing with the procedure of issuing notice to the opposite party-respondent No. 2 at this stage as the accompanying criminal appeal will be heard on merits only after ensuring service of notice to the opposite party-respondent No. 2.

Accordingly, the instant application is allowed condoning the aforesaid period of delay.

The Registry to register the accompanying criminal appeal and thereafter, list for admission.

JUDGE

JUDGE

Comparing Assistant