

GAHC010021682026



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

Case No. : CrL.L.P./3/2026

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

VERSUS

FARJUL ISLAM
S/O LATE JAHAN ALI, R/O NAGARBERA, PS- NAGARBERA, DIST KAMRUP.
PRESENT ADDRESS
R/O CHITRABAN ENCLAVE, P.S. CHANDMARI, DIST. KAMRUP (M).

Advocate for the Petitioner : MR. B SARMA, ADDL PP,ASSAM

Advocate for the Respondent : MR. N UDDIN, MR S K CHHETRY

Linked Case : ST.Rev./0/0

THE STATE OF ASSAM
PP
ASSAM
GAUHATI HIGH COURT OLD BUILDING

VERSUS

FARJUL ISLAM
S/O LATE JAHAN ALI
R/O- NAGARBERA
NEAR LP SCHOOL
H/N 198
PS NAGARBERA
DIST KAMRUP

Advocate for : BANKIM SARMA
Advocate for : appearing for FARJUL ISLAM

Linked Case : **I.A.(Crl.)/145/2026**

THE STATE OF ASSAM
REPRESENTED BY PP
ASSAM.

VERSUS

FARJUL ISLAM
S/O LATE JAHAN ALI
R/O NAGARBERA
NEAR LP SCHOOL
PS NAGARBERA
H/N 198
DIST KAMRUP

PRESENT ADDRESS
R/O CHITRABAN ENCLAVE
P.S. CHANDMARI
DIST. KAMRUP (M)

Advocate for : MR. B SARMA
Advocate for : appearing for FARJUL ISLAM

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06.05.2026.

Heard Mr. K.K. Das, the learned Addl. P.P., Assam appearing for the State applicant. Also heard Mr. N. Uddin, learned counsel for the sole respondent.

This is an application Section 5 of the Limitation Act, praying for condonation of delay of 680 days, in preferring the connected Criminal Appeal as well as the

Criminal Leave Petition.

It is submitted by Mr. Das, the learned Addl. P.P., Assam that the impugned judgment and order was passed on 24.01.2024 by the learned Additional Sessions Judge cum Special Judge, POCSO, Kamrup (Metro) at Guwahati and thereafter, a letter was communicated to the Director of Prosecution, Assam by the Dy. Commissioner of Police, Central Police District, Guwahati to prefer an appeal against acquittal. After issuance of the letter by the Dy. Commissioner of Police, Central Police District, Guwahati, there had to be some other communication with the Public Prosecutor and other officials for discussion about filing an appeal against the order of acquittal passed by the learned Additional Sessions Judge cum Special Judge, POCSO, Kamrup (Metro).

To observe those official formalities and to preparing the connected appeal as well as the leave petition, it took some time and there was a delay of 680 days in preferring the connected appeal. However, there is no intentional negligence on the part of the State applicant in preferring the connected appeal and only in observing some official formalities and preferring the appeal, it took time and the appeal had to be preferred with a delay of 680 days.

Mr. Uddin, the learned counsel for the sole respondent submitted in this regard that there is no specific mention about the day to day delay in preferring the connected appeal. However, he submitted that the official formalities may take some time in preferring the appeal.

Considering the submissions made by learned counsel for both sides and also for the ends of justice, the present petition is allowed condoning the delay of 680 days in filing the connected Criminal Appeal as well as the Criminal Leave Petition.

The Registry is accordingly directed to register the appeal and list the same accordingly, reflecting the name of the learned counsel for the parties in the cause list as well as in the case record.

This Interlocutory Application stands disposed of accordingly.

JUDGE

Comparing Assistant