

GAHC010024292020



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

Case No. : I.A.(CrI.) 345/2020

1:SMTI SHUNTEE PAUL
W/O SRI TAPASH PAULR, R/O VILL. SHIVBARI, P.O. AND P.S. DIPHU, DIST.
KARBI ANGLONG, ASSAM.

VERSUS

1:STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM.

2:ABHIJIT PAUL
S/O SRI SAPAN PAUL
R/O JHILPAR
P.O. AND P.S. DIPHU
DIST. KARBI ANGLONG
ASSAM

Advocate for the Petitioner : MS. P CHAKRABORTY

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.L.P. 38/2020

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Advocate for the Respondent : PP
ASSAM

Linked Case : /

1:SMTI. SHUNTEE PAUL

VERSUS

1:THE STATE OF ASSAM AND ANR

Advocate for the Petitioner :
Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

26.06.2020

The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.

Heard Ms. P. Chakraborty, learned counsel for the applicant and also heard Mr. M.P. Goswami, learned Addl. P.P. for the State.

This is an application filed under section 5 of the Indian Limitation Act, 1963 for praying for condonation of delay of 1217 days in reference to the connected appeal.

It is stated in Para 7 of the application that the order was passed on 27.07.2016 but the same was not known to the applicant/petitioner for all those years. She was under the bonafide belief that the trial was being adjudicated upon by the Court.

The applicant who lives in a village is not very well educated and she barely knows how to write her name.

She came to know about the disposal of the matter from her co-villager and thereafter she obtained information/consultation from a local lawyer available within the vicinity of the village. Finally, she was given legal advice by a lawyer at Diphu and thereafter attempts were made to file the application in month of Sept., 2019. Accordingly, there was a delay in filing the appeal from July, 2016 to Sept. 2019 and this delay according to the applicant was not intentional and it was beyond her control. In the process delay of 1217 days have occurred and therefore, this application has been filed for condonation of delay.

After hearing both the learned counsels for the parties and upon being perusal of the pleadings, Notice is issued to the respondent making

it Returnable within 4(four) weeks. The applicant is directed to take step by registered post and by usual process on the respondent. No. 2.

State of Assam is represented by Mr. M.P. Goswami, learned Addl. P.P. who has already entered appearance. However, petitioner will furnish the sufficient extra copies to the counsel for the State.

Accordingly, list this matter after 4(four) weeks.

JUDGE

Comparing Assistant