

GAHC010032572025



2026:GAU-AS:4063

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

Case No. : I.A.(Crl.)/171/2025

PROJEN DUTTA
S/O SRI BHUBAN DUTTA
R/ODIKHOWMUKH BHARALUA GAON, P.O.AND P.S. GAURISAGAR, PIN-
785664,
DIST. SIVASAGAR, ASSAM

VERSUS

SMTI DEEPALI BORAH
W/O SRI PROJEN DUTTA,
R/O MOGORAHAT
GARKAKHORIA GAON
P.O.MOGORAHAT,PIN-785666
DIST. SIVASAGAR, ASSAM

Advocate for the Petitioner : MR. N N JHA, MR. M UDDIN,MS M SAHOO

Advocate for the Respondent : , MR. R PHUKAN

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20-03-2026

Heard Mr. N N Jha, the learned counsel for the applicant. Also heard Mr. R.

Phukan, the learned counsel for the respondent.

2. This is an application u/s 5 of the Limitation Act praying for condoning the delay of 168 days in filing the connected Criminal Revision Petition against the impugned judgment and order dated 29.05.2024 passed in Criminal Appeal No. 32(3) of 2019 by the learned Additional Sessions Judge, Sivasagar.

3. It is submitted by Mr. Jha that there was no laches or negligence on the part of the applicant in preferring the connected revision petition with a delay of 168 days. But, engaging the counsel or to contact the counsel and also for the illness of the present applicant etc. after passing of the order of the learned Appellate Court there is some delay in instituting the connected Criminal Revision Petition. The delay is already explained in para 3 & 4 of the petition.

4. Mr. Phukan, the learned counsel appearing for the respondent submitted in this regard that he has no objection in condoning the delay of this case but, till date the respondent is not getting any payment passed in original D.V. case. However, he submitted that delay may be condoned at this stage.

5. Considering the submissions made by learned counsel for both sides and considering the grounds mentioned in paragraphs 3 & 4 of the present petition, I find that reasonable explanation has been made by the applicant and also considering the submission made by learned counsel for respondent, delay is condoned.

6. The present application is hereby allowed condoning the delay of 168 days in preferring the connected petition.

7. Registry will do the needful in registering the connected Criminal Revision Petition and matter may be listed after registering and numbering.

8. With the above observations, this Interlocutory Application stands disposed

of.

JUDGE

Comparing Assistant