

GAHC010044622026



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

Case No. : I.A.(CrI.)/268/2026

SRI MITHU BHUMIJ
SON OF -LAL MOHAN BHUMIJ R/O - VILLAGE - LANGKACHIGUTIBARI,
POLICE STATION - BORDUBI DISTRICT- TINSUKIA, PIN 786151

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSAM

Advocate for the Petitioner : MRS. S KHATANIAR,

Advocate for the Respondent : PP, ASSAM,

Linked Case : ST.Rev./0/0

SRI MITHU BHUMIJ
SON OF -LAL MOHAN BHUMIJ R/O - VILLAGE - LANGKACHIGUTIBARI
POLICE STATION - BORDUBI DISTRICT- TINSUKIA
PIN 786151

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSAM

Advocate for : MRS SANGEETA KHATANIAR
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 23-03-2026
(S.K.Medhi,J)

Heard Ms. S. Khataniar, learned Legal Aid Counsel for the applicant who has filed this application under Section 5 of the Limitation Act, 1963 praying for condonation of delay of 53 days in preferring the connected appeal.

The appeal has been preferred against the Judgement and Order dated 19.09.2025 passed by the learned Additional District & Session Judge, Tinsukia in Sessions Case no. 19(T)/2024 under Bordubi P.S. Case no. 159/2023 convicting the accused appellant to undergo rigorous imprisonment for 14 years with fine of Rs. 10,000/- for offence under Section 376 IPC, in default SI for 6 months and also sentenced to undergo rigorous imprisonment for 1 year with fine of Rs. 2000/- for offence under Section 506 IPC, in default SI for 2 months.

Ms. Khataniar, the learned Legal Aid Counsel has submitted that there were sufficient reasons for which the appeal could not be presented in time. In this regard, she has drawn the attention of this Court to the averments made in Para 2 of the application.

Ms. A. Begum, learned Additional PP, Assam has submitted that she would not have serious objections in the aspect of condonation of delay and she would rather contest the appeal on its merits.

The law governing the aspect of condonation of delay is well settled,

wherein there is a requirement of taking a pragmatic and justice oriented approach.

Considering the causes shown in paragraph 2 and also the fact that the appeal has been preferred from the jail through the Legal Aid counsel, we are of the considered opinion that the delay of 53 days in preferring the connected appeal be condoned, which we accordingly do.

IA stands allowed.

Let the appeal be registered and listed for admission.

JUDGE

JUDGE

Comparing Assistant