

GAHC010162272023



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

Case No. : I.A.(CrI.)/631/2023

RATAN CH BORO
S/O GANESWAR BORO VILL. BORGUPRI P.O. AND P.S. PATACHARKUCHI
DIST. BARPETA ASSAM PIN 781326

VERSUS

RANI BORO
W/O RATAN CH. BORO S/O GANESWAR BORO VILL. BORGUPRI P.O. AND
P.S. PATACHARKUCHI DIST. BARPETA ASSAM PIN 781326

Advocate for the Petitioner : MR R ISLAM, S PAUL,N CHAKRABARTY,MS. A HUSSAIN

Advocate for the Respondent : MR. M K HUSSAIN, MD A RAHMAN,MR. M ALOM,MS. F H AHMED,MR K U AHMED,MRS. S Y AHMED

Linked Case :

RATAN CH BORO

VERSUS

RANI BORO (E)

Advocate for : MR R ISLAM
Advocate for : appearing for RANI BORO (E)

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

Date : 13.08.2025

1. This is an application under Section 5 of the Limitation Act filed by the applicant for condoning the delay of 98 days in preferring the connected appeal against the impugned order dated 11.01.2023, passed by the learned Chief Judicial Magistrate, Bajali, Pathsala in M.R. Case No. 31/2018.

2. Heard Mr. R. Islam, learned counsel for the applicant/ appellant and Md. A. Rahman, learned counsel for the respondent.

3. The learned counsel for the applicant/appellant, Mr. R. Islam has submitted on the basis of his application, stating that the impugned order dated 11.01.2023 was passed ex-parte and as such the present applicant had no knowledge about the passing of the impugned order and he came to know about the passing of the impugned order only when he received the notice dated 06.06.2023 on 12.06.2023 from the court. Thereafter, he communicated the same to his engaged counsel regarding the notice dated 06.06.2023. Thereafter, the engaged counsel applied for certified copy of the impugned order dated 11.01.2023 and the certified copy was received on 17.06.2023. On receiving the certified copy of the impugned order dated 11.01.2023, he discussed the matter with his engaged counsel and decided to file criminal revision petition before this Court. The applicant contacted the present engaged counsel, who instructed him to obtain all certified copies of the related documents. Accordingly, the applicant applied for the same, which were received on 28.06.2023 and handed over the same to the present engaged counsel on 08.07.2023. In the meantime, summer vacation of this court had

started and after re-opening of the court, the connected Criminal Revision Petition was filed on 19.07.2023 and thereby causing delay of 98 days in preferring the connected revision petition. Accordingly he prayed for allowing the application for condoning the said delay of 98 days.

4. The learned counsel for the opposite party/ respondent, Md. A. Rahman has submitted that he has already filed objection and by filing objection he has submitted that the instant application has been preferred without proper and justified explanation of delay and opposed to condone the same.

5. This court is of the considered opinion that the explanation for delay has been properly explained and sufficient causes have been shown by the applicant for the delay.

6. In view of the above, the delay of 98 days is condoned and the application is allowed.

7. The Registry is directed to register the criminal revision petition and thereafter list it in the usual course.

8. The I.A. stands disposed of.

JUDGE

Comparing Assistant