

GAHC010173642025



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

Case No. : I.A.(CrI.)/844/2025

MAHANANDA DAS
SON OF NITYANANDA DAS, R/O BORIHUT, BORPHULGURI, P/S.
PALASBARI, DIST. KAMRUP, ASSAM

VERSUS

STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP ASSAM

2:AZAD ALI
SON OF MD ABBAS ALI
R/O HATIPARA
P/S. MANIKPUR
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MRS DIPANJALI BORPUJARI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 07.08.2025

Heard Ms. D. Borpujari, learned Legal Aid Counsel for the applicant and
Mr. R.R. Kaushik, learned Additional Public Prosecutor for the opposite party no.

1, State of Assam.

2. The instant application under Section 5 of the Limitation Act, 1963 is preferred seeking condonation of delay of 2433 days, which period of delay is stated to have occurred in preferring the accompanying criminal appeal. The applicant as the appellant has preferred the accompanying criminal appeal to assail a Judgment and Order dated 28.09.2018 passed by the Court of learned Special Judge [POCSO], Kamrup [M], Assam in Sessions Case no. 14/2017. By the Judgment and Order dated 28.09.2018, the applicant has been convicted for the offence under Section 4 of the Protection of Children from Sexual Offences [POCSO] Act, 2012 and he has been sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs. 20,000/-, in default of payment of fine, to undergo rigorous imprisonment for 6 months.

3. Issue notice, returnable on 05.09.2025.

4. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the opposite party no. 1, issuance of formal notice to the opposite party no. 1 is dispensed with.

5. The applicant shall take steps for service of notice upon the opposite party no. 2/informant, in terms of the Practice Directions laid down in the Notification no. 17 dated 15.03.2024.

6. The learned Additional Public Prosecutor shall obtain a report from the Officer In-Charge, Gorchuk Police Station as regards the service of notice upon the opposite party no. 2/informant to place the same before this Court on the returnable date.

7. List the case on 05.09.2025.

JUDGE

Comparing Assistant