

GAHC010007232025



2026:GAU-AS:1626

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

Case No. : I.A.(Crl.)/46/2025

GAUTOM NATH @ GUDULA NATH
S/O. SRI PRAHLAD NATH, R/O. VILL. MAJARKHAT, ATHIYABARI, P/S.
MUSHALPUR, DIST. BAKSA, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:CHANDANA NATH
W/O. MANAHARI NATH
R/O. VILLMAJARKHAT
ATHIYABARI
P/S. MUSHALPUR
DIST. BAKSA
ASSAM

Advocate for the Petitioner : MR. Y S MANNAN, MR. S MUNIR,MR. C K NATH

Advocate for the Respondent : PP, ASSAM, DARAK ULLAH(AMICUS CURIAE)

Linked Case :

GAUTOM NATH @ GUDULA NATH

VERSUS

THE STATE OF ASSAM AND ANR

Advocate for : MR. Y S MANNAN
Advocate for : appearing for THE STATE OF ASSAM AND ANR

Linked Case :

GAUTOM NATH @ GUDULA NATH

VERSUS

THE STATE OF ASSAM AND ANR

Advocate for : MR. Y S MANNAN
Advocate for : appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

06.02.2026

- 1.** Heard Mr. Y.S. Mannan, learned counsel for the applicant. Also heard Mr. Darak Ullah, learned Amicus Curiae for the informant/respondent no.2 as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.
- 2.** The applicant had faced trial in Special POCSO Case No.1/2019 and was convicted and sentenced under Section 448 IPC,

R/W Section 8 of the POCSO Act. He is presently in detention. The sentence is stated to be three years. The applicant is now seeking to file a criminal appeal against the judgment of conviction and sentence but there is a delay of 929 day for which an application has been filed under Section 5 of the Limitation Act, 1963, giving rise to this interlocutory application.

3. The learned counsel for the applicant draws attention to paragraph 4, 5 and 6 of the petition in support of the grounds, regarding the delay condonation. It is stated that the applicant is suffering from various ailments for which he was undergoing treatment leading to delay.

4. Medical documents have been annexed.

5. Subsequently, he was also arrested on the basis of NBWA and remained in custody, which also led to the delay. It is also stated and submitted that he is a poor person and is living in an interior place. Accordingly, he prays for the delay condonation.

6. The learned Additional P.P fairly submits that necessary orders may be passed as per law, but it is a well settled principle of delay condonation that the delay must be properly explained.

7. The learned Amicus Curiae for the informant/respondent no.2 submits that till the date of his arrest on NBWA, medical grounds have been adduced with documents and he fairly submits that necessary orders may be passed as per law, including condonation of delay.

8. I have perused the delay condonation petition, annexed

documents and considered the submission of learned counsels.

9. Perused the medical documents.

10. Since the petitioner is seeking to appeal against the judgment of conviction and sentence, the issue of limitation perhaps assumes a somewhat different dimension. It is desirable from the point of view of Constitutional values as well as human rights that - any judgment of conviction and sentence, especially a sentence of imprisonment - should be examined by at least one more Court in appellate jurisdiction.

11. Accordingly, the delay, though on the higher side stands **condoned** and the I.A is **allowed** and **disposed of**.

12. The criminal appeal may be registered and listed for admission.

JUDGE

Comparing Assistant