

GAHC010278902025



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

Case No. : I.A.(Crl.)/24/2026

RIKU PEGU
SON OF LATE PAHARIA PEGU, R/O LAKHIPUR UKHACHAPORI,P.O.-
TELAM, P.S.- JONAI, DIST- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ROMEN DOLEY
SON OF LATE PADMADHAR DOLEY
R/O MADHYA LAKHIPUR
P.O.- JON KARENG
P.S.- JONAI
DIST- DHEMAJI
ASSA

Advocate for the Petitioner : MS B R A SULTANA (LEGAL AID COUNSEL),

Advocate for the Respondent : PP, ASSAM,

Linked Case : ST.Rev./0/0

SRI RIKU PEGU
SON OF LATE PAHARIA PEGU
R/O LAKHIPUR UKHACHAPORI
TELAM
JONAI

DHEMAJI
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

2:SRI ROMEN DOLEY

SON OF LATE PADMADHAR DOLEY
R.O MADHYA LAKHIPUR
JON KARENG
JONAI
DHEMAJI
ASSAM

Advocate for : BEGUM ROUSHAN ARA SULTANA
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.01.2026

[*Manish Choudhury, J*]

Heard Ms. B. R. A. Sultana, learned Legal Aid Counsel for the applicant and Ms. B. Bhuyan, learned Senior Counsel and learned Additional Public Prosecutor for the opposite party-respondent No. 1, State of Assam.

This application under Section 5 of the Limitation Act, 1963 is preferred seeking condonation of delay of 85 days in filing the accompanying criminal appeal against a Judgment and Order dated 18.07.2025 passed by the learned Session Judge, Dhemaji (The Trial Court) in Session Case No. 39/2022. By the Judgment and Order dated 18.07.2025, the Trial Court has convicted the

appellant/applicant for offence of murder under Section 302, IPC and he has been sentenced to undergo imprisonment for life and to pay a fine of Rs. 1,000/-.

We have gone through the statements and averments made in the instant application, more particularly, Paragraph-6, thereof. It transpires that after the Judgment and Order dated 18.07.2025, the case records were forwarded by the Assam State Legal Services Authority, Gauhati to the Gauhati High Court Legal Services Committee on 05.09.2025 for appointing a Legal Aid Counsel to prefer the appeal. It was thereafter, the appeal has been preferred with 85 days of delay. We have found that the applicant has been able to show sufficient cause for condonation of the period of delay

Moreover, since the accused appellant/applicant has been sentenced to undergo imprisonment for life, interest of justice would also be better subserved if the accompanying criminal appeal is heard on merits after condoning the period of delay of 85 days, period of delay which is not substantial. Accordingly, the instant interlocutory application is allowed condoning the said delay.

The Registry to register the accompanying criminal appeal and thereafter, list the same for admission.

JUDGE

JUDGE

Comparing Assistant