

GAHC040007582022



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

Case No. : IA(Crl) 24/2022

1:Mecy Jongloju
W/o Shri Sang Norbu Saidu,
Permanent Resident of Village Khoina, PO/PS Nafra, West Kameng District,
Arunachal Pradesh, Pin 790001.

VERSUS

1:THE STATE OF AP and Anr.
Through the Public Prosecutor.

2:Rinchin Dorjee Saidu
S/o Late Raju Saidu

Permanent Resident of Village Khoina
PO and PS Nafra
West Kameng District
Arunachal Pradesh
Pin 79000

Advocate for the Petitioner : T Tsering

Advocate for the Respondent : P P of AP

Linked Case : Crl.A. 20/2022

1:Mecy Jongloju
W/o Shri Sang Norbu Saidu

permanent resident of Village Khoina

PO and PS Nafra
West Kameng District
Arunachal Pradesh
Pin 790001

VERSUS

1:Rinchin Dorjee Saidu and Anr.
S/o Late Raju Saidu

Permanent Resident of Village Khoina
PO and PS Nafra
West Kameng District
Arunachal Pradesh
Pin 790001

2:THE STATE OF AP
Represented through the Public Prosecutor.

Advocate for the Petitioner : T Tsering
Advocate for the Respondent : P P of AP

Linked Case : IA(Crl) 25/2022

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W/o Shri Sang Norbu Saidu

permanent resident of Village Khoina
PO and PS Nafra
West Kameng District
Arunachal Pradesh
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West Kameng District

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Pin 790001

Advocate for the Petitioner : T Tsering
Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.07.2022

Heard Mr. T. Tsering, learned counsel for the applicant and also heard Mr. J. Tsering, learned P.P. for the State respondent.

This application under Section 5 of the Limitation Act 1963, is preferred by the applicant for condoning of delay of 22 days in filing the appeal against the judgment and order dated 16.09.2021, passed in Bomdila Session Case No. 4/2020 by the District & Sessions Judge, Bomdila.

Mr. T. Tsering, learned counsel for the applicant submits that the actual delay in filling the connected appeal is 198 days but, in view of the order of Hon'ble Supreme Court, Civil Original Jurisdiction, in M.A. No. 21 of 2022 in M.A. No. 665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020, dated January 10, 2022, 176 days stands excluded and there remain only 22 days. The learned counsel for the applicant further, submits that the applicant is a women and wife of the appellant and she resides in a very interior village under Nafra, P.S., District West Kameng. Beside, she is a poor and an illiterate lady and therefore, she could not file the connected appeal in due time by collecting relevant documents and as such, delay of 22 days occurred in filing the appeal and the

same is not intentional but a bona-fide one. And therefore, it is contended to condone the aforesaid period.

The learned counsel for the applicant submits that the applicant is a women and wife of the appellant and she resides in a very interior village in Nafra, District West Kameng. Beside that she is a poor and illiterate lady and therefore, she could not file the connected appeal in due time and as such, delay of 22 days occurred in filing the appeal and therefore, it is contended to condone the same.

Mr. J. Tsering, learned P.P. for the State respondent submits that he has no objection in the event of condoning the delay of 22 days in filing the appeal, as it is a statutory appeal.

Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the order of Hon'ble Supreme Court, dated January 10, 2022 in M.A. No. 21 of 2022. It appears that the applicant has shown sufficient cause for the delay of 22 days in filing the connected criminal appeal.

In view of above and also in view of the submission advanced by learned advocates of both sides, delay of 22 days in filing connected criminal appeal, stands condoned.

In terms of above, this Interlocutory application stands disposed of.

JUDGE

Comparing Assistant