

GAHC040014832023



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

Case No. : CRL.A(J)/35/2023

Dongso Chongruju @ Johnney
S/o Lt. Jesu Chongruju, Vill Upper Dzang, PO/PS Nafra, West Kameng District,
Arunachal Pradesh.

VERSUS

THE STATE OF AP
Through the Public Prosecutor

Advocate for the Petitioner : Legal Aid Counsel

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

07.11.2023

(A.D. Choudhury, J)

Heard learned counsel for the parties.

The present is an appeal preferred by the accused from jail against the judgment of conviction dated 23.11.2022 passed by the learned Sessions Judge,

Bomdila, East Kameng District, Arunachal Pradesh in Bomdila Sessions Case No. 01/22 in connection with Nafra PS Case No. 06/2021 whereby the appellant was convicted under Sections 302/201/436 of IPC and was sentenced to undergo life imprisonment and a fine of Rs. 20,000/- only for the offence under Section 302 IPC, 5 (five) years Rigorous punishment and a fine of Rs. 5,000/- for the offence under Section 201 of IPC and 5 (five) years Rigorous punishment and a fine of Rs. 5,000/- only for the offence under Section 436 of IPC and in default of payment of fines, to undergo S.I. of 3 (three) months.

As per Registry's note there are delays of 266 days in filing the present application.

As the accused/ appellant is in jail since the date of his conviction and appeal has been preferred through the jail authority being unable to engage any independent and private lawyer, this court is of the view that such factor is sufficient to condone the delay inasmuch as in the considered opinion of this court such cause is sufficient cause which prevented the appellant in approaching this court within prescribed period of limitation.

The learned Additional Public Prosecutor representing the State fairly submits that the State shall not object the condonation of such delay.

Considering the matter in its entirety, the delay stands condoned.

Admit the appeal. Call for the records.

Issue notice to the victim/ informant, returnable after six weeks.

Registry shall prepare the paper book after receipt of LCR and furnish the same to the learned Addl. PP and also appoint one legal aid counsel to represent the appellant. Copy of the paper book also be furnished to the legal aid counsel.

List accordingly.

JUDGE

JUDGE

Comparing Assistant