

GAHC040014852023



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

**Case No. : CRL.A(J)/37/2023**

Beli Rai  
S/o Shri Sukhman Rai, Village 25 km Near Kimi, PO/PS Thrizino, District West  
Kameng, 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 17.09.2021 passed by the learned Sessions Judge, Bomdila, East Kameng District, Arunachal Pradesh in Bomdila Sessions Case No. 01/21 in connection with Bhalukpong PS Case No. 02/2020 whereby the appellant was convicted under Section 302 of IPC and was sentenced to undergo life imprisonment and out of which 5 (five) years shall be spent under Rigorous Imprisonment and fine of Rs. 5,000/- in default of payment of fine, to undergo detention of 3 (three) months.

As per Registry's note there are delays of 333 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**