GAHC010028832026

2026:GAU-AS:15723

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

Case No. : I.A.(Crl.)/192/2026
in
Crl. A. (J) No. 1288/2026

RABI MAJHI
S/O LATE BANDHU MAJHI, R/O BORGOLOI JAMADAR BASTI, P.S. MARGHERITA, DISTRICT TINSUKIA, ASSAM

VERSUS

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

2:NASIR HUSSAIN
S/O LATE ABDUL HAFIZ
R/O BORGOLAI JAMADAR BASTI
P.S. MARGHERITA
DIST. TINSUKIA
ASSAM

Advocate for the Petitioner : MS. M K BROWN,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

15-10-2026

Heard Ms. M. K. Brown, learned Legal Aid Counsel for the applicant/appellant and Mr. K. K. Das, learned Additional Public Prosecutor, Assam.

2. The service is still awaited for the respondent No.2.

3. Further it is submitted by Ms. Brown that since last 8 months the service is awaiting and hence, an Amicus Curiae may be appointed.

4. Further she submitted that the accused applicant/appellant is in jail during the entire trial period and presently, he is in jail for last 4 years and hence, the present interlocutory application for condonation of delay may be considered.

5. It is seen that present interlocutory application has been filed for condonation of delay of 343 days in preferring the connected appeal.

6. It is submitted by Ms. Brown that there was a delay in instituting the connected appeal due to observation of some formalities in appointing Legal Aid Counsel and for receiving the relevant documents etc. There was no intentional latches on the part of the applicant/appellant in preferring the appeal within the stipulated time.

7. Mr. Das, learned APP also raised no objection to that regard and submitted that being a statutory appeal, he has no objection in condoning the delay of 343 days.

8. Considering the entire submission made by the learned counsel for the

parties and also considering the fact that there is delay in serving the notice on the respondent No.2, vis-a-vis also considering the fact that the applicant/appellant is in custody since last 4 years, though the term of conviction is of 5 years.

9. In view of this and for the ends of justice, the delay of 343 days in preferring the connected appeal is hereby condoned.

10. The Registry is directed to register and number the connected appeal and to list the same in due course of time.

11. Registry is also directed to reflect the name of Ms. M. K. Brown as Legal Aid Counsel for the applicant/appellant in the cause list after registration of the appeal.

12. With the above observation and direction, this interlocutory application stands allowed and disposed of.

JUDGE

Comparing Assistant