GAHC010041762025

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

Case No. : I.A.(Crl.)/217/2025

MAMONI BEGUM
W/O. JAHANGIR ALI

2: ERANI BEGUM
W/O. RAFIQUL ISLAM
D/O. JAHANGIR ALI
BOTH ARE RESIDENT OF VILL.- KOTERGAON
P/O. LAKHIGANJ
P/S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783345

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:SOFIUL ALOM @ ALOM SIDDIQUE
S/O. LT. ABU BAKKAR SIDDIQUE
R/O. MADHURYA ENCLAVE
202B
H/NO. 85
P/O AND P/S. HATIGAON
DIST. KAMRUP (M)
ASSAM
GUWAHATI-38

Advocate for the Petitioner : MR Z HUSSAIN, MR. M HOQUE

Advocate for the Respondent : PP, ASSAM, N CHAKRABORTY(R-2),MS A AFREEN(R-2),MRS S A CHOUDHURY (R-2)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 14.10.2026

Heard Mr. Z. Hussain, learned Counsel for the applicant and Ms. A. Begum, the learned Additional Public Prosecutor for the State.

2. Although the learned Counsels have filed vakalatnama for defending respondent no.2 i.e. the accused person but there is no representation on his behalf when the matter is called up today. Neither they represented respondent no.2 on the last occasion i.e. on 04.02.2026. As such, this Court deems it fit to take up the instant matter which is filed for condoning the delay of 444 days in filing the present criminal appeal.

3. The applicant seeks to file the criminal appeal challenging the judgment and order dated 11.09.2023 passed in Sessions Case No. 41/2019 by the Additional Sessions Judge Cum Special Judge POCSO, Kamrup(M) by which respondent no.2 was acquitted of the charges under Section 448 IPC read with Section 8 of the POCSO Act.

4. The grounds for delay has been mentioned in paragraph no. 5, 6 and 7 of the present application where in it was stated that after the judgment and order was passed on 11.09.2023, the applicant had come to know about the same much later in the year 2025 that the respondent was acquitted. It is further stated that the applicant on 02.01.2025 applied for the certified copy of the judgment and order and finally obtained the same on 21.01.2025 and immediately thereafter met an Advocate, who had advised them to file criminal appeal and that due to financial constraints, they could not gather the money required for the same and that after gathering, which took some time, the said

case was drafted and the same resulted in delay of 444 days.

4. The learned Counsel for the applicant submits that the delay has been caused due to genuine reasons and that the same be condoned.

5. On the other hand, Ms. A. Begum, the learned Additional Public Prosecutor for the State in her usual fairness submits that the matter be heard on merits.

6. This Court on perusal of the said grounds of delay is satisfied with the same and condones the delay of 444 days in filing the connected criminal appeal.

7. IA is disposed of.

8. The Registry is directed to register the criminal appeal and list it for admission.

JUDGE

Comparing Assistant