GAHC010164662026

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

Case No. : I.A.(Crl.)/800/2026

DAL BAHADUR CHETRY
S/O LATE BHOJRAJ CHETRY, R/O VILL- SOCIETY, P.S.- SILAPATHAR,
DISTRICT- DHEMAJI, STATE- ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:PREMA TAYE
S/O RUHI TAYE
R/O VILL- KULAMUA
AKAJAN
P.S.- SILAPATHAR
DIST- DHEMAJI
ASSAM
PIN- 78705

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 14.10.2026

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

2. By this application filed under Section 5 of the Limitation Act, the applicant has prayed for condoning the delay of 36 days in preferring the criminal appeal. The applicant seeks to prefer the criminal appeal challenging the judgment and order dated 22.04.2026 passed by the Sessions Judge, Dhemaji convicting the applicant in Sessions Case No.09/2016 by which the applicant was convicted under Section 326/324/448 of the IPC and was sentenced to under SI for a period of 3 years with fine and default stipulation under Section 326 of the IPC as well as to undergo SI for a period of two years with fine and default stipulation under Section 324 of the IPC as well as to undergo SI for a period of 6 months under Section 448 IPC.

3. The learned Counsel for the applicant submits that the grounds of delay are mentioned in paragraph no.3 of the petition, wherein it was stated that after the judgment and order was passed on 22.04.2026, the applicant was initially not aware of the legal proceeding that a criminal appeal can be filed and that he had financial constraints too for filing the same and that he after gathering the required money, he approached counsels for filing criminal appeal and finally he approached the learned Counsel, Mr. T. Chutia, to file the appeal and resultantly a delay of 36 days was caused.

4. Ms. Ms. A. Begum, learned Additional Public Prosecutor for the State, in her usual fairness submits that the case be heard on merits.

5. Upon consideration of the submissions made by the Counsels and upon going through the grounds narrated in the petition, this Court is satisfied with the same and condones the delay of 36 days in preferring the criminal appeal.

6. IA is disposed of.

7. The Registry is directed to register the criminal appeal and listed it for admission.

JUDGE

Comparing Assistant