

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. A. No. 3 of 2018

Date of Order: 17.11.2018

Ajay Das

Vs.

State of Meghalaya

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice
Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Appellant(s) : Mr. S.C. Chakrawarty, Sr. Adv. with
Ms. E. Slong, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. S. Sen Gupta, Addl. Sr. GA

Learned counsel for appellant has filed a separate application for condonation of delay of 3 years 9 months and 19 days same stands registered as Crl. MC No. 13 of 2018.

Learned Advocate General was fair enough to state that the co-accused has already filed appeal being Crl. A. No. 2 of 2015 which is also listed today at Sl. No. 3.

Learned counsel for the appellant states that the accused has been convicted under Section 302, 364 (A), 201 and 120 (B) I.P.C. and lodged in jail, has no means to engage advocate, finally he has been provided an advocate by State Legal Services Authority.

The grounds as projected constitute sufficient cause for condoning delay. It is a settled principle that for condoning delay, indolence and deliberate in action shall not be attributable to the seeker otherwise also the words "sufficient cause" are to be construed liberally so as to advance the cause of justice. The applicant (convict) could not be interested in not filing appeal therefore no indolence is attributable to him, the delay as such is

condoned. The appeal is already diarized and registered as Crl. A. No. 3 of 2018 same shall be listed for hearing along with Crl. A. No. 2 of 2015.

Learned counsel for appellant submits that in Crl. A. No. 2 of 2015 paper book has already been prepared therefore he will rely on the same. That being so, list the two appeals together for hearing on 03.12.2018.

The application seeking condonation is according disposed of. Copy of this order be place on Crl. MC No. 13 of 2018.

(S.R. Sen)
Judge

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
17.11.2018
"V. Lyndem PS"

