

GAHC010064622020



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

Case No. : I.A.(CrI.)/465/2020

RATUL SAIKIA
S/O- LATE MOHAN SAIKIA, R/O- VILL.- NILAKH BALIJAN, P.S.
SILAPATHAR, DIST.- DHEMAJI, ASSAM, PIN- 787057.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR B ACHARYYA,

Advocate for the Respondent : PP, ASSAM,

Linked Case :

RATUL SAIKIA

VERSUS

STATE OF ASSAM

Advocate for :
Advocate for : appearing for STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

22-08-2024

Heard Mr. B Acharyya, learned Legal Aid counsel for the applicant/appellant and Ms. S Jahan, learned Additional Public Prosecutor, Assam for the opposite party/State respondent No. 1.

2. The applicant/appellant has preferred the connected statutory appeal from jail with a delay of 640 days, against the judgment dated 02.04.2018 passed by the learned Sessions Judge, Dhemaji in Sessions Case No. 124(DH)/2015 arising out of Silapather Police Station Case No. 112/2015 corresponding to G.R. No. 705/2015, whereby he was convicted under Sections 326/307 IPC and sentenced to undergo rigorous imprisonment for 7 (seven) years with fine of Rs. 1,000/-, in default of payment of fine, to undergo rigorous imprisonment for 1 (one) month under Section 307 IPC and further, sentenced to undergo rigorous imprisonment for 5 (five) years with fine of Rs. 1,000/-, in default of payment of fine, to undergo rigorous imprisonment for another 1 (one) month under Section 326 IPC, where both the sentences are to run concurrently.

3. Hence, this interlocutory application filed by the applicant/convicted accused, under Section 5 of the Limitation Act, 1963 for condonation of the said delay of 640 days in preferring the connected appeal.

4. Pursuant to the order of the Court dated 12.08.2024, Ms. S Jahan, learned Additional Public Prosecutor, Assam, by placing a communication of the Superintendent, District Jail, Dhemaji dated 13.08.2024 has stated that during pendency of these proceedings, the convicted accused, Ratul Saikia, son of Late Mohan Saikia has already been released from the District Jail, Dhemaji on 16.06.2023, on expiry of the sentences, noted above, with the benefit of 121 days detention period having been set off and 584 days remission earned and serving the period in default of payment of fine amount.

5. In view of the above, this interlocutory application, being infructuous, stands rejected.

6. Consequently, the connected Criminal Appeal No. 2659/2020 (Filing Number), being

infructuous, stands dismissed.

7. Communication of the Superintendent, District Jail, Dhemaji dated 13.08.2024 placed before the Court today by Ms. S Jahan, learned Additional Public Prosecutor, Assam be kept as part of the records.

JUDGE

Comparing Assistant