

HIGH COURT OF SIKKIM
Record of Proceedings

I.A. No.01 of 2024 in CRL.L.P/49/2024/(Filing No.)

STATE OF SIKKIM

APPLICANT

VERSUS

ANUP

RESPONDENT

Date: 02.05.2025

CORAM:

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

For Applicant Mr. Shakil Raj Karki, Additional Public Prosecutor.

For Respondent Mr. Rahul Rathi, Amicus Curiae.

ORDER

Heard Learned Additional Public Prosecutor on I.A. No.01 of 2024, which is an application under Section 5 of the Limitation Act, 1963, seeking condonation of five days delay, in filing the instant Appeal. The grounds have been detailed in the Petition. Learned Additional Public Prosecutor submits that after the File was received in the Office of the Advocate General on 09-08-2024 well within the period of limitation, the Office of the Learned Advocate General filed leave to appeal only on 04-09-2024 as the Counsel vested with the responsibility of preparing the Appeal suffered ill-health. That, the delay is unintentional and *bona fide* and the same may be considered and the delay condoned.

Learned Amicus Curiae submits that in view of the fact that the delay has been explained with details in the application and considering that it is only five days delay, he has no objection to the Petition.

Considered, it is seen from the application and the submissions of Learned Additional Public Prosecutor that the delay has been fully explained in the Petition and the five days delay was on account of the ill-health of the Counsel, which could obviously not have been foreseen. In view of the above grounds, the delay having been sufficiently explained, stands condoned.

I.A. No.01 of 2024 stands disposed of accordingly.

Register the Criminal Leave Petition.

List on 23-05-2025.

Judge
02.05.2025