

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE, AIZAWL**

Crl. Misc. Appln. No. 38/2014 A/o Crl. Rev. No. 10/2014 u/s 457/380

Vanlalhriata : Petitioner

Versus

State of Mizoram : Respondent

Date of Order : 21.03.2014

**PRESENT**

*Smt. Helen Dawngliani, AD& SJ*

For the Applicant : F. Lalzuiliana, Advocate  
For the State : Rose Mary, Addl. PP  
Rosy Lalnuntluangi, APP

**ORDER**

This Misc. Application u/s 5 of the Limitation Act have been filed for condonation of delay of 1 month and 25 days in filing a Revision Petition i.e. Criminal Revision No. 10/14 against the Judgment & Order dt.3.10.2013 passed by the Id. CJM Champhai in G.R. No. 194/13 u/s 457/380 IPC.

As consented by the Id. Counsels, hearing is conducted today itself.

Mr. F. Lalzuiliana, Id. Counsel for the Revision Petition appearing under the Legal Aid Scheme submitted that the Id. Trial Court while convicting the accused/petitioner had directed that the sentence should run consecutively. According to the Id. Counsel, the petitioner is a layman and does not have any knowledge of the intricacies of law. The petitioner did not receive legal assistance to deal with his case and that a man who is suffering detention in Jail cannot be negligent to pursue a remedy for his grievance if only legal assistance and awareness was given to him. The Id. Counsel submitted that if the delay is not condoned it would cause serious prejudice to the revision petitioner and thus pray to condone the delay aforesaid.

On the other hand, Mrs. Rose Mary, the Id. Addl. PP submitted that ignorant of law is not an excuse and that no sufficient ground has been made out to condone the delay of 1 month and 25 days.

Heard the Id. Counsels and perused the record including the record of Criminal Revision No. 10/2014. It is seen from the materials on record that the revision petitioner has been serving his sentence since 3.10.2013. Accordingly, the revision petitioner has suffered detention in custody for about 5 months. A person who is suffering detention with a grievance with regard to the manner of his conviction and sentence cannot be expected to be negligent to pursue his remedy if only he was given proper legal assistance. Even otherwise it would not be just and proper to throw out the grievance of the petitioner without examining its merit only on technicality.

Accordingly, for the aforesaid reason, I find that sufficient ground exist to condone the delay. Hence delay of 1 month 25 days is condoned.

Case stands disposed off accordingly.

**Sd/- HELEN DAWNGLIANI**  
Addl. Dist & Sessions Judge-III,  
Aizawl Judicial District, Aizawl.

Memo No.                AD & SJ/2014    :                Dated Aizawl, the 21<sup>st</sup> March, 2014  
Copy to :

1. Vanlalhriata through Counsel Mr. F. Lalzuiliana.
2. Mrs. Rose Mary, Addl. PP.
3. Registration Section.
4. Guard File.
5. Case Record.

**P E S H K A R**