

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CrI. A (SH) 6 of 2010**

**2.04.13**

List this matter before any other bench without me  
(Mr. Justice S.R. Sen).

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CrI. A (SH) 4 of 2011**

**2.04.13**

List this matter on 3.04.13.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CrI.Petn. (SH) 68 of 2011**

**2.04.13**

List this matter on 4.04.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CRP(SH) No. 7 of 2011**

**2.04.13**

None of the counsel appears for the petitioner except Mr. VK. Jindal, the learned senior counsel.

List this matter in the usual course of time.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**MAC Appl. (SH) No. 1 of 2011**

**2.04.13**

As prayed for by the learned counsel for the petitioner,  
list this matter 16.04.13.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CRP (SH) No. 30 of 2012**

**2.04.13**

List this matter before any other bench without me  
(Mr. Justice S.R. Sen).

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**MAC (SH) No. 1 of 2012**

**2.04.13**

List this matter on 16.04.13 as prayed for by Ms. M Wahlang the learned counsel for respondent.

Mr. VK Jindal, the learned senior counsel is present.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn. (SH) No. 16 of 2012**

**2.04.13**

Heard Mrs. T. Yangi, the learned counsel for the petitioner.

Also heard Ms. Rosy LR Colney who submits that the senior counsel is not well and prayed that the matter be fixed on 11.04.13.

Prayer is allowed.

List this matter accordingly.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. Petn. (SH) No. 14 of 2013**

**2.04.13**

Heard Mr. P. Nongbri, the learned counsel for the petitioner as well as Mr. S Sengupta, the learned state counsel.

The learned counsel for the petitioner submits that in this instant case an FIR was filed with a malafide intention just to harass the petitioner. He further contends that section 406 does not lie in this case, so FIR may be quashed.

I have perused the FIR dated 12.02.13. On perusal of the said FIR, it appears that loan was granted on the basis of stock of goods and third party guarantee. The petitioner failed to repay the instalments as supposed to be paid and also intentionally disposed of the goods financed by the respondent. Hence, filed an FIR.

The petitioner also draw my attention to Annexure at Page-11 of the petition, loan application form wherein it appears that the amount can be adjusted from the saving but nothing has been mentioned of the saving amount. The learned counsel could not specifically inform the Court what is the amount the petitioner has in the saving account.

After considering the FIR and other documents before me, I am not inclined to interfere with or invoke section 482 CrPC. Section 482 CrPC can be applied only as and when necessary for the end of justice and not randomly. In this instant case, I do not find any prejudice if the police investigate into the matter. The petition is rejected and the investigating authority is directed to expedite the investigation and not to harass the petitioner unnecessarily during the investigation.

With these observations and directions, this instant petition is dismissed and stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. MC (SH) No. 14 of 2013 in**  
**Crl. Petn. (SH) No. 14 of 2013**

**2.04.13**

Heard Mr. P. Nongbri, the learned counsel for the applicant as well as Mr. S Sengupta, the learned state counsel.

In view of the order passed today in Crl. Petn. (SH) No. 14 of 2013, this Misc Case stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Cont. Cas.(Crl) (SH) No. 1 of 2012**

**2.04.13**

Heard Mr. J. Lalsangliana, the learned counsel for the petitioner.

From Registry record, it appears that AD card in respect of respondents No. 1 & 2 have been received, so it is understood that service is complete. In spite of that, none appears on behalf of the respondents No. 1 & 2.

I have perused the order passed by the Court on 29.02.12 in Crl. Rev. P.(SH) No. 51 of 2011 wherein this Court has specifically directed the Addl. District Magistrate (J), West Garo Hills, Tura to pass appropriate order within a period of 6(six) weeks after receipt a copy of this order.

The learned counsel for the petitioner submits that till date no order has been passed by the Addl. District Magistrate (J), West Garo Hills, Tura and also it is apparent that in spite of receiving notice from this Court, he failed to appear before this Court. Therefore, he is directed to appear in person before this Court on 11.04.13.

Registry is directed to send copy of this order to the concerned Magistrate by Fax or by Special Messenger immediately.

List this matter on 11.04.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. Revn. P.(SH) No. 58 of 2012**

**2.04.13**

List this matter on 4.04.13.

In the meantime, call for Lower Case Record.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 26 of 2013**

**2.04.13**

Heard Mr. H. Kharmih, the learned counsel for the petitioner as well as Mr. S Sengupta, the learned Addl. PP.

The learned counsel for the petitioner submits that CD as called for has arrived.

The learned Addl. PP submits that from the CD, nothing has been seized from the accused/petitioner and urges this Court to pass necessary order as deem fit and proper.

Since nothing has been recovered from the accused/petitioner till date, though FIR was lodged on 24.10.12. In my view, the chance of recovery is very bleak. Besides that, prosecution could not bring any point before this Court that release of the accused/petitioner on pre-arrest bail will hamper the investigation. Therefore, I do not see any reason why the instant bail should not be considered. Accordingly, the accused/petitioner is allowed to go on pre-arrest bail with a PR Bond of Rs. 20,000/- with one surety of the like amount with the following conditions.

- i) The accused/petitioner shall appear before the Court for trial as and when necessary.
- ii) The accused/petitioner shall appear before the IO concerned as and when necessary for the purpose of investigation.
- iii) The accused/petitioner shall cooperate with the investigation and not to tamper with any of the evidence.

With these observations and directions, the bail application is allowed and this instant case stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 27 of 2013**

**2.04.13**

Heard Mr. H. Kharmih, the learned counsel for the petitioner as well as Mr. S Sengupta, the learned Addl. PP.

The learned counsel for the petitioner submits that CD as called for has arrived.

The learned Addl. PP submits that from the CD, nothing has been seized from the accused/petitioner and urges this Court to pass necessary order as deem fit and proper.

Since nothing has been recovered from the accused/petitioner till date, though FIR was lodged on 24.10.12. In my view, the chance of recovery is very bleak. Besides that, prosecution could not bring any point before this Court that release of the accused/petitioner on pre-arrest bail will hamper the investigation. Therefore, I do not see any reason why the instant bail should not be considered. Accordingly, the accused/petitioner is allowed to go on pre-arrest bail with a PR Bond of Rs. 20,000/- with one surety of the like amount with the following conditions.

- i) The accused/petitioner shall appear before the Court for trial as and when necessary.
- ii) The accused/petitioner shall appear before the IO concerned as and when necessary for the purpose of investigation.
- iii) The accused/petitioner shall cooperate with the investigation and not to tamper with any of the evidence.

With these observations and directions, the bail application is allowed and this instant case stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 28 of 2013**

**2.04.13**

Heard Mr. H. Kharmih, the learned counsel for the petitioners as well as Mr. S Sengupta, the learned Adll. PP.

List this matter on 4.04.13. In the meantime, the Adll. PP is directed to ascertain whether the offence is committed within the jurisdiction of the High Court of Meghalaya or within the High Court of Guahati, Assam.

List this matter accordingly.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Rev. P.(SH) No. 15 of 2013**

**2.04.13**

List this matter on 4.04.13 as suggested by Mr. ND Chullai, the learned Public Prosecutor to which the counsel for the petitioner Mr. R. Kar has no objection.

List it accordingly.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 33 of 2013**

**2.04.13**

Heard Mr. H. Kharmih, the learned counsel for the petitioners who submits that FIR was filed by the complainant against the petitioner, though the petitioners are not connected in this case. The police has registered a case and they are apprehending that they may be arrested at any point of time and prayed that pre-arrest bail may be granted.

On the other hand, the learned Addl. PP urges this Court to pass necessary orders as deem fit and proper and further submits that bail application can be considered only perusal of CD.

Call for CD.

In the meantime, in the event of arrest, the accused/petitioners shall be released on payment of Rs. 10,000/- with one surety of the like amount with the following conditions.

- i) The accused/petitioners shall not leave the jurisdiction of the Magistrate where they reside without prior permission.
- ii) The accused/petitioners shall not interfere with the investigation or tamper with any of the evidence.
- iii) The accused/petitioners shall cooperate with the investigation.

List this matter on 10.04.13 along with CD.

JUDGE

V. Lyndem.

