

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC No. 386 of 2013 in
WP(C) No. 345 of 2013

02.12.2013

Heard Mr. S Dey, the learned counsel for the applicant as well as Mr. ND Chullai, the learned senior state counsel.

This instant Misc. Case will be considered on the next date fixed.

List this matter after 4(four) weeks.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 110 of 2013

02.12.2013

Heard Mr. HS Thangkhiew, the learned senior counsel for the petitioner as well as Mr. K Khan, the learned counsel for the respondent.

List this matter on **3.12.13**.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 125 of 2012

02.12.2013

Heard Mr. H. Kharmih, the learned counsel for the petitioner as well as Mr. VGK Kynta, the learned senior counsel for the District Council.

Both the learned counsel for the parties submit that the matter may be fixed after winter vacation.

Prayer is allowed.

List it accordingly.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 194 of 2012

02.12.2013

Heard Mr. B Bhattacharjee, the learned counsel for the petitioner as well as Mr. KS Kynjing, the learned senior counsel.

As also heard Mr. ND Chullai, the learned senior state counsel, Mr. ODV Ladia, the learned counsel appearing for on behalf of respondent No. 23 and Mr. H Kharmih, the learned counsel for respondents No. 11, 17 and 20.

All the learned counsel suggested that the matter may be fixed after winter vacation as Ms. Y Shylla, the learned counsel for respondent No. 8 is not present today before this Court.

Prayer is allowed.

List it accordingly.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 200 of 2012

02.12.2013

List this matter on 5.12.13 as suggested by Mr. R Jha, the learned counsel for the petitioner.

Mr. SC Shyam, the learned senior CGC is not available.

List it accordingly.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 204 of 2011

02.12.2013

Judgment & Order dated 02.12.13 delivered today in open Court.

Judgment & Order consists of 5(five) pages.

Accordingly, the instant petition stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 284 of 2012

02.12.2013

Judgment & Order dated 02.12.13 delivered today in open Court.

Judgment & Order consists of 3(three) pages.

Accordingly, the petition is dismissed and the matter stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 334 of 2012

02.12.2013

None appeared for on behalf of the petitioner.

Mr. Sen Gupta, the learned state counsel prayed that the matter may be fixed next week.

Prayer is allowed.

List this matter on 9.12.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 345 of 2013

02.12.2013

Heard Mr. S Dey, the learned counsel for the petitioner.

Issue Notice to the respondents.

Notice is made returnable after 4(four) weeks.

The petitioner's counsel is directed to take necessary steps to serve notice upon the respondents. Since Mr. ND Chullai, the learned senior state counsel is present and accepted notice, no further notice is called for.

However, the petitioner's counsel to furnish copies of the petition as well as the annexures etc. to the learned counsel for the respondents in the course of the day.

List this matter after 4(four) weeks.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 358 of 2012

02.12.2013

Heard Mr. N Khan, the learned counsel for the petitioner who submits that in compliance to this Court's order dated 30.11.12, a Committee was constituted but the said Committee was not in compliance with the rules and regulations and the petitioner was not allowed to even participate in the Meeting, hence this instant petition.

The learned counsel further contended that, a representation has been made to the Sub-Divisional Education Officer & Joint District Co-ordinator, Dadedengiri, West Garo Hills, Tura which is at page-50 (Annexure-A-14).

Also heard Mr. S Sen Gupta, the learned state counsel.

After hearing the submissions advanced by the learned state counsel, I am of the opinion that the matter can be disposed of with a direction to the Sub-Divisional Education Officer & Joint District Co-ordinator, Dadedengiri, West Garo Hills, Tura to dispose of the representation dated 30.11.12 after hearing the parties within a period of 3(three) months from the date of receipt of the certified copy of this order.

With the above observations & directions, the matter stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 361 of 2011

02.12.2013

List this matter on 4.12.13 as suggested by Mr. R Jha, the learned counsel for the petitioner.

Mr. SC Shyam, the learned senior CGC is not available.

List it accordingly.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 374 of 2010

02.12.2013

Heard Ms. AR Nath, the learned counsel for the petitioner.

Also heard Mr. S Dey, the learned counsel for the District Council who submits that, this matter may be fixed after winter vacation.

Prayer is allowed.

List this matter after winter vacation.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 135 of 2013

02.12.2013

Heard Mr. S. Chakravarty, learned counsel for the petitioner who submits that the petitioner is in custody for almost 90(ninety) days and the case has not been charge sheeted yet, so he may be allowed to go on bail with any condition.

Also heard Mr. N.D. Chullai, learned Sr. GA on behalf of the State who submits that the accused person, Shri Ashit Chanda is in custody in connection with Shillong Sadar P.S. Case No. 266 (9) of 2013 U/S 3(a), 4/11(V), 12/16, 17/9 (g) (1) and 10 of POCSO Act with effect from 13.09.2013 and charge sheet is yet to be filed and further prays that, if at all bail is granted, the bail will be granted with strict condition.

After considering the submissions advanced by the learned counsel for the parties, I am of the view that since the accused person is almost 90(ninety) days in judicial custody, further detention in custody for the purpose of investigation is unwanted.

It is a settled principle of law that rejection of bail cannot be considered as a punitive measure. Hence, the accused person is allowed to go on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount subject to the satisfaction of the learned Special Judge, Shillong with the following conditions:

1. That he shall not leave station without prior permission of the Special Judge, Shillong.
2. He shall co-operate with the I/O for the purpose of investigation as and when necessary.
3. He will not intimate or threaten the witnesses.
4. He shall be bound to face the trial as and when required.

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

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 136 of 2013

02.12.2013

Heard Mr. S. Chakravarty, learned counsel for the petitioner who submits that the petitioner is in custody for almost 90(ninety) days and the case has not been charge sheeted yet, so he may be allowed to go on bail with any condition.

Also heard Mr. N.D. Chullai, learned Sr. GA on behalf of the State who submits that the accused person, Shri Prasanjit Das is in custody in connection with Shillong Sadar P.S. Case No. 266 (9) of 2013 U/S 3(a), 4/11(V), 12/16, 17/9 (g) (1) and 10 of POCSO Act with effect from 13.09.2013 and charge sheet is yet to be filed and further prays that, if at all bail is granted, the bail will be granted with strict condition.

After considering the submissions advanced by the learned counsel for the parties, I am of the view that since the accused person is almost 90(ninety) days in judicial custody, further detention in custody for the purpose of investigation is unwanted.

It is a settled principle of law that rejection of bail cannot be considered as a punitive measure. Hence, the accused person is allowed to go on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount subject to the satisfaction of the learned Special Judge, Shillong with the following conditions:

1. That he shall not leave station without prior permission of the Special Judge, Shillong.
2. He shall co-operate with the I/O for the purpose of investigation as and when necessary.
3. He will not intimate or threaten the witnesses.
4. He shall be bound to face the trial as and when required.

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

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 137 of 2013

02.12.2013

Heard Mr. S. Chakravarty, learned counsel for the petitioner who submits that the petitioner is in custody for almost 90(ninety) days and the case has not been charge sheeted yet, so he may be allowed to go on bail with any condition.

Also heard Mr. N.D. Chullai, learned Sr. GA on behalf of the State who submits that the accused person, Shri Chandra Shekhar Roy @ Raj Roy is in custody in connection with Shillong Sadar P.S. Case No. 266 (9) of 2013 U/S 3(a), 4/11(V), 12/16, 17/9 (g) (1) and 10 of POCSO Act with effect from 13.09.2013 and charge sheet is yet to be filed and further prays that, if at all bail is granted, the bail will be granted with strict condition.

After considering the submissions advanced by the learned counsel for the parties, I am of the view that since the accused person is almost 90(ninety) days in judicial custody, further detention in custody for the purpose of investigation is unwanted.

It is a settled principle of law that rejection of bail cannot be considered as a punitive measure. Hence, the accused person is allowed to go on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount subject to the satisfaction of the learned Special Judge, Shillong with the following conditions:

1. That he shall not leave station without prior permission of the Special Judge, Shillong.
2. He shall co-operate with the I/O for the purpose of investigation as and when necessary.
3. He will not intimate or threaten the witnesses.
4. He shall be bound to face the trial as and when required.

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

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CAVT.PTN. No. 170 of 2013

02.12.2013

Heard Mr. M.F. Qureshi, learned counsel for the petitioner and Mrs. T. Yangi, learned counsel for the respondents.

Accordingly, CAVT.PTN. No. 170 of 2013 stands discharged.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
COMPET. No. 2 of 2013

02.12.2013

Heard Mr. S. Dey, learned counsel for the petitioner.

List this matter on 16.12.2013 for admission hearing as prayed by the learned counsel.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
COMPET. No. 8 of 2013

02.12.2013

Heard Mr. A. Medok, learned counsel for the petitioner and Mr. R. Jha, learned counsel for the respondent.

The learned counsel for the respondent, Mr. R. Jha prays 4(four) weeks' time to file the counter affidavit.

Prayer is allowed.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C). No. 29 of 2013

02.12.2013

Heard Mr. H.L. Shangreiso, learned counsel for the petitioner.

Also heard Mr. S. P. Mahanta, learned counsel who informed the court that the petitioner has served the notice in the wrong address.

Therefore, petitioner's counsel is directed to serve the notice in the correct address.

From record, it appears that service report is awaited.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.REV.P. No. 62 of 2013

02.12.2013

Heard Mr. K.C. Gautam, learned counsel.

Also heard Mr. P. Sharma, learned counsel who submits that he has recently been engaged by the sole respondent, so he needs 4(four) weeks' time to file the counter affidavit.

Prayer is allowed.

In the meantime, the interim order passed vide order dated 04.11.2013 shall remain in force till the next date.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL.PET. No. 2 of 2013

02.12.2013

Heard Ms. P. Das, learned counsel who informed the court that Mr. A.K. Bhattacharya, learned Sr. counsel on behalf of the petitioner could not come due to some personal difficulties.

Also heard Mr. H.S. Thangkhiew, learned Sr. counsel as well as Mr. B. Bhattacharjee, learned counsel for respondent No. 6 and 1.

Mr. H.S. Thangkhiew submits that he has filed Additional written statement and prays that the matter may be fixed for filing the suggested issues.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(WP)(C) No. 385 of 2013
IN WP(C) No. 263 of 2011

02.12.2013

Heard Mr. B. Bhattacharjee, learned counsel for the applicant who submits that the instant application has been moved praying for vacating the order dated 30.05.2012, wherein it was ordered that the case shall proceed ex-parte against the respondent No. 4 and 5. The learned counsel further submitted that he has been engaged by the respondent No. 5, so ex-parte order as directed vide order dated 30.05.2012 may be vacated against the respondent No. 5.

Also heard Mr. H. Kharmih, learned counsel as well as Mr. V.G.K. Kynta, learned Sr. counsel appearing for and on behalf of the respondents No. 1, 2 and 3.

Considering the submissions and keeping in mind that it will always be fair when all the parties are present and heard and then the Judgment is passed.

Hence, the order dated 30.05.2012 directing ex-parte against the respondent No. 5 is hereby vacated.

Respondent No. 5 may file the counter affidavit if so desires.

Accordingly, this instant Misc. Case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 183 of 2013

02.12.2013

Heard Mr. S. Wahlang, learned counsel for the petitioner.

Also heard Mr. V.G.K. Kynta, learned Sr. counsel for respondent No. 1, Mr. L. Khyriem, learned counsel for respondent No. 2 and Mr. R. Pyngrope, learned counsel for respondent No. 3.

Learned counsel for the petitioner submits that the matter is urgent and needs to be disposed of.

Learned counsel for the respondents sought 2(two) weeks' time for filing counter affidavit. Since the matter is urgent, 10(ten) days' time is needed to file the counter affidavit without fail.

List this matter after 10(ten) days.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 194 of 2013

02.12.2013

Heard Mr. A.R. Nath, learned counsel for the petitioner who submits that 2(two) weeks' time is required to file the rejoinder affidavit.

Mr. P. Nongbri, learned counsel for the respondent No. 1 sought 2(two) weeks' time to file the counter affidavit. Other counsel for respondent No. 2, Mr. R. Pyngrope is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 238 of 2013

02.12.2013

Heard Mr. P. Nongbri, learned counsel for the petitioner who sought 10(ten) days' time to file the rejoinder affidavit.

Also heard Mr. N.D. Chullai, learned Sr. GA who submits that the State is not interested to file the counter affidavit.

Private respondent No. 4, Ms. R. Paul sought 10(ten) days' time to file the counter affidavit.

List this matter after 2(two) weeks for filing rejoinder affidavit, counter affidavit and further orders.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 263 of 2011

02.12.2013

Heard Mr. H. Kharmih, learned counsel for the petitioner.

Also heard Mr. B. Bhattacharjee, learned counsel for respondent No. 5 and Mr. V.G.K. Kynta, learned Sr. counsel for respondents No. 1, 2 and 3.

Mr. B. Bhattacharjee, learned counsel for respondent No. 5 prays 2(two) weeks' time to file the counter affidavit.

Prayer is allowed.

List this matter on 17.12.2013.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 280 of 2013

02.12.2013

List this matter after 2(two) weeks' as learned Sr. GA, Mr. N.D. Chullai appearing for and on behalf of the State sought time to file the counter affidavit.

Counsel for the petitioner, Mr. R. Sahu is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 342 of 2013

02.12.2013

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioner who, submits that the petitioner made a representation before the Director of Social Welfare Department, Meghalaya, Shillong which has remained un-dispose of inspite of a reminder, so necessary directions may be given.

Also heard Mr. N.D. Chullai, learned GA appearing for and on behalf of the State who submits that one Smti Gracemina T. Sangma has been temporarily appointed.

Considering the facts and circumstances of the case, I am of the considered view that the matter may be disposed of at this stage with a direction to the Director of Social Welfare Department, Meghalaya, Shillong to dispose of the representation of the petitioner which is at Annexure – XII Page 28 as early as possible and also at the time of disposal to hear Smti Gracemina T. Sangma and then to take necessary decision as per the rules and laws.

With this observation and direction, the instant writ petition is allowed and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 343 of 2013

02.12.2013

Heard Mr. B.K. Deb Roy, learned counsel for the petitioner.

Issue notice made returnable within 4(four) weeks.

Petitioner's counsel to take necessary steps to serve the notice upon the respondent. Since Mr. R. Debnath, learned CGC is present and accepted the notice, therefore, no further notice is called for.

However, petitioner's counsel is directed to furnish the copies, Annexure, etc in the course of the day.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 344 of 2013

02.12.2013

Heard Mr. M.F. Qureshi, learned counsel appearing for and on behalf of the petitioner who submits that the petitioner for certain reasons could not repay the loan, for which notice has been issued by the respondent's Bank asking him to repay the loan failing which his photograph will be published in the newspaper. So, necessary directions may be passed.

Also heard Mrs. T. Yangi, learned counsel who submits that the petitioner instead of coming to the writ court should have approached the Debt Recovery Tribunal.

I agree with the submission advanced by the learned counsel for the respondents. In my considered view, in such a case writ does not lie. Let the petitioner approach the Debt Recovery Tribunal if he desires so. In the meantime, for 1(one) month's time respondents will not publish the photograph of the petitioner.

With this observation and direction, this writ petition stands disposed of.

JUDGE

D. Nary