

THE HIGH COURT OF MEGHALAYA

BA. No. 20 of 2014

Smti. Sandhya Paul, wife of Shri Rasendra Paul, of Lower Jail Road, Shillong

...Petitioner

-Versus-

State of Meghalaya, represented by the Commissioner and Secretary, to the Government of Meghalaya, Home (Police) Department, Shillong, East Khasi Hills District, Meghalaya

...Respondent

Mr. AS Siddiui, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. GA, assisted by Mrs. NG Shylla, GA, present for the respondent.

Date of Order 4th June, 2014.

ORDER

HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE

1. Heard.
2. By means of this application, the applicant has sought bail of accused, Rasendra Paul who is arrested in connection with Shillong Sadar P.S. Case No, 39(2) of 2014 relating to offences punishable under Sections 364(A)/ 506/120 (B)/324/384/307/419/34 I.P.C and one punishable under Section 25 (1-a) and (1-b)/27 Arms Act.
3. It is a case of demand of ransom of ₹ 2 crore after victim Digbijoy Das was abducted. He is said to have been recovered during the investigation. The victim's statement has been recorded under Section 164 Cr.P.C. The five accused are said to have been involved in the crime

including accused Rasendra Paul. Weapons are said to have been recovered from the accused.

4. Having considered submissions of learned counsel for the applicant and learned counsel for the State and after going through the papers on record, this Court is not inclined to grant bail to the applicant in the above facts and circumstances of the case.
5. Therefore, without expressing any opinion as to the final merits of the case, the Bail Application is rejected.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

Cont.Cas(C). No. 36 of 2012

4-6-2014

HON'BLE THE CHIEF JUSTICE

Ms. L. Khiangte, Advocate, present for the petitioner.

Mr. KP Bhattacharjee, GA, present for the respondents.

Learned counsel for the petitioner/applicant prays for and is allowed further one weeks' time to take steps for service on the respondents, F. Kharlyngdoh and Anurag Kumar for their responses.

Issue notices to said respondents.

List on 7-7-2014 along with Review Petition No. 4 of 2014.

S.Rynjah

CHIEF JUSTICE

THE HIGH COURT OF MEGHALAYA

CRL.REV.P. No. 7 of 2014

Smti. Indurani Jha, Wife of Shri Chandra Mohan Jha, Resident of Swasti Hiwas, Near Crinoline Falls, Shillong, East Khasi Hills, Meghalaya.

...Petitioner

-Versus-

State of Meghalaya, represented by the Commissioner and Secretary, to the Government of Meghalaya, Home (Police) Department, Shillong, East Khasi Hills District, Meghalaya

...Respondent

Mr. K.Paul, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. GA, assisted by Mrs. NG Shylla, GA, present for the respondent.

Date of Order 4th June, 2014.

ORDER

HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE

1. Heard.
2. This criminal revision is directed against the order dated 14th May, 2014 passed by Chief Judicial Magistrate (for short CJM) , East Khasi Hills, Shillong whereby the order passed on bail application of accused CM Jha, rejecting the same, has been challenged.
3. Brief facts of the case are that accused, CM Jha appears to have been taken into custody in CID Case No. 2(4) 2013 relating to offences punishable under Sections 420/ 406/

466/120/109/34 I.P.C. From the papers on record, it appears that on 23-4-2014 accused CM Jha, was arrested; He was produced before the Chief Judicial Magistrate on 24-4-2014, and the Investigating Officer (for short IO) sought remand in police custody for interrogation of the accused. Certified copy of the order sheet of the case produced on behalf of the revisionist shows that the Chief Judicial Magistrate granted 10(ten) days remand in police custody on 24-4-2014. It appears that during police custody, after 6(six) days on the ground of sickness, the accused was admitted in Civil Hospital, Shillong.

4. Learned counsel for the revisionist argued that the police remand stood expired on 3rd May, 2014 whereafter neither the IO sought any judicial remand nor the police remand, nor the Magistrate has granted any kind of remand. It is further pleaded that the accused at present is in NEIGRIHMS Hospital under police custody. It is also submitted on behalf of the revisionist that without there being judicial or police remand, the accused cannot be kept detained by the police.
5. I have perused the certified copy of the remand sheet produced before this Court and find that after 3rd May, 2014 there is neither any mention of remand given to the accused CM Jha nor anything regarding prayer for remand by the IO. Other co-accused are already stated to have been enlarged on bail. The offence is triable by the Magistrate.
6. Learned Sr. counsel for the Government could not deny the above facts which are apparent from the record.

7. In the above circumstances, this Court has no option but to allow this criminal revision and enlarge the accused CM Jha on bail.
8. Accordingly, the criminal revision is allowed. It is directed that the accused CM Jha shall be released on bail in connection with CID Case No. 2(4) 2013 relating to offences under Sections 420/ 406/ 466/120/109/34 I.P.C. on executing personal bond of ₹ 50, 000/- and two sureties each of like amount to the satisfaction of the CJM, East Khasi Hills District, Shillong.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

Review Pet. No. 4 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. KP Bhattacharjee, GA, present for the petitioners.

Ms. L.Khiangte, Advocate, present for the respondent.

List this Review Application on 7-7-2014 for hearing.

S.Rynjah

CHIEF JUSTICE

WP(CrI). No. 4 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr.HR Nath, Advocate, present for the petitioner.

Mr. S. Sen Gupta, GA, present for the respondents.

Counter affidavit is said to have been filed by the respondents today in the registry.

Learned counsel for the petitioner prays for and is allowed one weeks' time to file the rejoinder affidavit.

List after one week. Meanwhile, the respondents are allowed to file additional affidavit enclosing copies of approval order and confirmation of detention order.

S.Rynjah

CHIEF JUSTICE

WP(Crl). No. 10 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. AS Siddiqui, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. GA, assisted by Mrs. NG Shylla, GA, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought mandamus directing the respondents to furnish the copies of FIR, Arrest Memo, Seizure Memo etc to him.

Brief facts of the case are that the accused, Sheba Sangma is in custody in connection with Baghmara P.S. Case No. 44(5)2014 relating to offences punishable under Sections 120(B)/212/384/511/506 IPC corresponding to G.R. 81 of 2014. It is pleaded on behalf of the writ petitioner that the writ petitioner is not being supplied with the documents relating to above crime case due to which he is unable to move an application for bail etc.

Having considered submissions of learned counsel for the writ petitioner and learned counsel for the State, without expressing any opinion as to the final merits of the case in which the accused is arrested, this writ petition is summarily disposed of directing the Magistrate concerned (respondent No. 2, Addl. District Magistrate, Baghmara, South Garo Hills, Meghalaya) to furnish copy of the FIR, forwarding memo and other documents to which the accused is entitled under provisions of Cr.P.C without unnecessary delay.

**(Prafulla C.Pant)
CHIEF JUSTICE**

S.Rynjah

WP(C). No. 29 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. LR Sangma, Advocate, present for the petitioner.

Mr. H.Kharmih, GA, present for the respondents No. 1 to 3.

Mr. D Thomlui, Advocate, present for the respondents No. 5 and 6.

Learned counsel for the respondents pray for and are allowed further 3(three) weeks' time to file their counter affidavits.

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 84 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. P.Nongbri, Advocate, present for the petitioner.

Mr. H.Kharmih, Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further 3(three) weeks' time to file the rejoinder affidavit.

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 188 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. K CH Gautam, Advocate, present for the petitioners.

Mr. ND Chullai, Sr. GA. Assisted by Mrs. NG Shylla, GA,
present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the coal auction notice dated 5-3-2014 and the consequential award of tender to respondent No. 6, Kenendra N. Marak for lifting of the coal. The writ petitioners have further challenged the order dated 14-5-2014 passed by respondent No. 4 in pursuance to the questioned auction of coal.

Learned counsel for the State prays for and is allowed 3(three) weeks' time to file the counter affidavit.

Issue notice to respondent No. 6, K.N.Marak who may also file his counter affidavit within a period of 3(three) weeks.

List after 3(three) weeks.

CHIEF JUSTICE

S.Rynjah

WP(C). No. 189 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. HR Nath, Advocate, present for the petitioners.

Mr. S.Dey, Advocate, present for the respondent No. 1.

Learned counsel for the respondent No. 1 prays for and is allowed 4(four) weeks' time to file the counter affidavit.

Issue notice to respondents No, 2 to 5 who may also file their counter affidavits within a period of 4(four) weeks.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 190 of 2014

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. AS Siddiqui, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. GA, assisted by Mrs. NG Shylla, GA,
present for the respondents.

Heard.

By means of this writ petition, the writ petitioner has sought writ in the nature of mandamus to the respondents for release of his pension.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 191 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Ms. A. Kharumnuid, Advocate, present for the petitioners.

Mr. LR Sangma, Advocate, present for the respondents
No. 1 to 3.

Learned counsel for the respondents No. 1 to 3 prays for
and is allowed further 3(three) weeks' time to file the counter
affidavit.

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 330 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. K.Sunar, Advocate, present for the petitioner.

Ms. PS Nongbri, Advocate, present for the respondent No.1.

Mr. P.Nongbri, Advocate, present for the respondent No. 2.

Mrs. SK Nongrum, Advocate, present for the respondents No. 3 to 5.

Additional affidavit has been filed on behalf of respondents No. 3, 4 and 5. Same be taken on record.

Affidavits are already exchanged between the writ petitioner and respondents No. 3 to 5. As far as respondent No. 2 is concerned, learned counsel for said respondent states that no counter affidavit is required to be filed on behalf of respondent No. 2.

Learned counsel for the respondent No. 1 prays for and is allowed further one weeks' time to file the counter affidavit.

List after one week.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 360 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mr. JM Thangkhiew, Advocate, present for the petitioner.

Mr. LR Sangma, Advocate, present for the respondents
No. 1 to 3.

Learned counsel for the respondents No. 1 to 3 prays for
and is allowed further 3(three) weeks' time to file the counter
affidavit.

List after 3(three) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 373 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Ms. A.Kharumnuid, Advocate, present for the petitioners.

Mr. KP Bhattacharjee, GA, present for the respondents.

Heard.

Admit the petition.

Affidavits are already exchanged.

List for hearing before the appropriate behcn.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 396 of 2013

4-6-2014

HON'BLE THE CHIEF JUSTICE

Mrs. SK Nongrum, Advocate, present for the petitioner.

Mrs. NG Shylla, GA, present for the respondents No. 1 to 4.

Mr. KC Gautam, Advocate, present for the respondent No. 5.

Learned counsel for the respondents No. 1 to 4 and learned counsel for the respondent No. 5 pray for and are allowed further 4(four) weeks' time to file their counter affidavits.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE