

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (Cr1.)(SH) No. 7 of 2012

6.06.13

Heard Mr. H Abraham, the learned counsel for the petitioner as well as Mr. R Gurung, the learned Addl. PP.

The learned Addl. PP submits that, he needs 1(one) more week's time to file the counter affidavit.

Prayer is allowed with a direction that no further chance will be allowed.

List this matter on 13.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (CrI.)(SH) No. 8 of 2012

6.06.13

Heard Mr. R Gurung, the learned Addl. PP who submits that he needs 1(one) weeks' time to file the counter affidavit.

Prayer is allowed.

The learned counsel for the petitioner is not present.

List this matter on 13.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 65 of 2013

6.06.13

Heard Mr. VK Jindal, the learned senior counsel assisted by Mr. S Jindal, the learned counsel for the petitioner/accused who submits that, the complainant and the accused had married sometimes in the month of December 1999, they are living peacefully as husband and wife and all the allegations made in the FIR are not correct.

The learned counsel further contended that since the case occurred at Mumbai, so the case should have been registered in Mumbai but the complainant intentionally filed an FIR at Shillong and got the case registered, as a result the petitioner/accused was arrested and he is still in custody.

However, bail applications were move before the learned Court below but the Court did not entertain the bail applications, hence, this instant bail application.

On the other hand, Mr. ND Chullai, the learned PP submits that, from the FIR it is clear that it is not only a case of dowry but a case of homicide. The learned PP further contended that the investigating agency is planning to go to Mumbai for further inquiry and to collect some remaining evidence. If bail is granted at this stage, there is every possibility that the accused will try his best to tamper with the evidence, so bail may not be granted.

I have perused the FIR wherein it appears that, the parties got married on 14.12.1999, since after their marriage the complainant was facing harassment both mentally and physically continuously, so ultimately she filed this instant FIR.

I have also perused the CD placed before me by the learned PP.

Considering the contents of the FIR and the submissions advanced by the learned PP as well as CD placed before me, I am of the opinion that, prosecution in such a case should be given ample opportunity to investigate the case. Therefore, I am not considering the bail application at this stage, hence, stands rejected and the matter is disposed of.

Registry is directed to return the CD to the IO concerned along with a copy of this order.

Investigating agency is directed to expedite the investigation and to complete the same as early as possible.

The matter stands disposed of.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl Rev.P (SH) No. 30 of 2013

6.06.13

Lower Court case record has arrived.

None appears for on behalf of the petitioner.

Mr. K. Khan, the learned Addl. senior Public
Prosecutor is present.

List this matter in the usual course of time.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (CrI.) (SH) No. 4 of 2013

6.06.13

Heard Mr. S Dey, the learned counsel for the petitioner as well as Mr. K Khan, the learned Addl. senior PP.

The learned counsel for the petitioner submits that, he needs 1(one) week's time to file the rejoinder.

Prayer is allowed.

List this matter on 11.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cr. Petn.(SH) No. 23 of 2013

6.06.13

Heard Mr. H Kharmih, the learned counsel for on behalf of the petitioner who submits that, CR Case No. 9(A) 2011 under Sections 107 & 145 CrPC pending before the Court of the Executive Magistrate, East Khasi Hills, Shillong,

The learned counsel further contended that, while drawing the proceeding under Sections 107 & 145 CrPC, the learned Court below clubbed both the cases together and registered the same in 1(one) proceeding which is contrary to the provision of law. In support of his submissions, the learned counsel relies on ***AIR 1951 Rajasthan 156*** (Division Bench), wherein it is stated that 2(two) proceedings under Sections 107 & 145 CrPC cannot be registered in 1(one) proceeding, so the proceeding referred to above may be quashed.

On the other hand, Mr H Nongkhlaw, the learned counsel for the respondent submits that proceeding under Section-107 has already been expired and both the parties have filed show cause before the learned court below against the proceeding under Section-145 only.

After hearing the submissions advanced by the learned counsel for the parties and on perusal of the Section-107 CrPC it appears to me that, proceeding to remain in force for a period not exceeding 1(one) year. If it is so, this instant case referred to above has been registered in the year 2011, definitely 1(one) year has lapsed, so the proceeding under Section-107 has already died a natural death. Besides that, since both the parties have filed a show cause before the learned Court below, I am of the view that at this stage, I do not find any scope to interfere with the proceeding or invoke provision under Section 482 CrPC. In such a situation if Section 482 CrPC is applied, it will amount to misuse and abuse of power.

Therefore, both the parties are directed to appear before the learned Court below by 7.06.13 and to take part under proceeding 145 CrPC and the Magistrate concerned is directed to dispose of the matter within 15(fifteen) days from the date of receipt a copy of this order.

Registry is directed to return the Lower Court case record along with a copy of this order by today itself. Registry is further directed to furnish a copy of this order to the learned counsel for both the parties.

With these observations and directions, the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (CrI.) (SH) No. 1 of 2013**

6.06.13

List this matter on 7.06.13 as suggested by both the parties.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (CrI.) (SH) No. 2 of 2013**

6.06.13

List this matter on 7.06.13 as suggested by both the parties.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (Cr1.) (SH) No. 3 of 2013**

6.06.13

List this matter on 7.06.13 as suggested by both the parties.

JUDGE

V. Lyndem.

