

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Appeal (SH) No. 2 of 2013

06.08.13

Heard Mr. CH Mawlong, the learned counsel for the appellant as well as Mr. R Gurung, the learned Addl. PP.

Hearing concluded.

Judgment & Order reserved.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI.MC (SH) No. 47 of 2013 in
CrI. Revn.P.(SH) No. 52 of 2013

06.08.13

In the light of the order passed in CrI. Revn.P.(SH) No. 52 of 2013, this instant Misc. Case also stands disposed of.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Petn.(SH) No. 51 of 2013

06.08.13

Heard Mr. MF Qureshi, the learned counsel for the petitioner who submits that, in this instant case charge was framed in violation of procedure incorporated in CrPC of the Session Triable Case. The learned counsel further contended that, the accused was not given legal aid counsel and the Court straight away framed the charge as incorporated under Sections 226 and 227 of the CrPC. The learned counsel also produced the certified copy of the order dated 30.10.12.

Mr. R Gurung, the learned Addl. PP is present.

I have perused the impugned order dated 30.10.12. On perusal of the said order, it appears that, none represented the accused at the time of framing of the charge which is against the letter and spirit of Section 226 CrPC. Therefore, I have come to a conclusion that the learned Court below has committed an error; hence, the impugned order dated 30.10.12 cannot survive and the same needs to be set aside.

The learned Fast Track Court, Nongstoin is directed to give an opportunity to the accused to engage a legal counsel, failing to do so, the Court is duty bound to provide legal aid counsel to the accused and thereafter will frame charge in accordance with law.

Accordingly, the impugned order dated 30.10.12 is hereby set aside with a direction to proceed with the case afresh as per the session triable procedures as incorporated in the CrPC.

The petitioner's counsel is also directed that in future, he should file the petition in a proper manner.

With the above observations and direction the petition is allowed and the matter stands disposed of.

JUDGE

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn.P.(SH) No. 52 of 2013

06.08.13

Heard Mr. AS Siddiqui, the learned counsel for the petitioner.

Seen the Revision Petition.

The learned counsel for the petitioner approached this Court as the learned Court below while passing the order at Annexure-2 has over-looked the provision of Section-12 of Protection of Women from Domestic Violence Act, 2005, hence, this revision petition.

Mr. ODV Ladia, the learned counsel appearing for on behalf of the respondent opposed the revision petition and submits that, no revision lies. The learned counsel also pointed out Section-29 of Protection of Women from Domestic Violence Act, 2005.

I have perused Section-29 of Protection of Women from Domestic Violence Act, 2005.

On perusal of Section-29 of Protection of Women from Domestic Violence Act, 2005, it appears that, appeal shall lie before the Court of Session within 30 days from the date on which the order passed by the Magistrate. If it is so, in my considered view, no revision lies before the High Court. Therefore, both the parties are directed to approach the Court of Session. Accordingly, the matter stands disposed of.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 131 of 2010

06.08.13

Heard Mr. BK Deb Roy, the learned counsel for the petitioner as well as Mr. MF Qureshi, the learned counsel for the respondent.

List this matter on **7.08.13** along with Misc Cases No. 213 of 2010 and 250 of 2013.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 144 of 2011

06.08.13

Heard Mr. BK Das, the learned counsel for the petitioner.

The matter could not be taken up today as none appeared on behalf of the Government. However, Mr. R Gurung, the learned Addl. GA informed the Court that Mr. KS Kynjing, the learned Advocate General and Mr. ND Chullai, the learned senior GA are busy in the other Court.

The matter is of 2011, so the Government counsel are directed to be present on the next date fixed failing which the matter shall be heard ex parte and necessary order will be passed as per records available and in accordance with law.

List this matter on 14.08.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 148 of 2011

06.08.13

Heard Mr. AH Hazarika, the learned counsel for the petitioner.

The matter was fixed today for hearing in the presence of Mrs. S Bhattacharjee, the learned GA despite of the fact she is not present today before this Court. It is due to this indifferent attitude of the Government counsel that has caused inconvenience to the Court. However, at this stage I am not passing any order but if the Government counsel is not present on the next date fixed, necessary order will be passed accordingly.

List this matter on 8.08.13 as suggested by the learned counsel for the petitioner.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 167 of 2013

06.08.13

Heard Mr. CH Thomlui, the learned counsel for the petitioner.

Also heard Mr. R Gurung, the learned Addl. PP who sought 3(three) weeks' time.

As per record it appears that, on earlier occasion also they have sought for 3(three) weeks' time.

However, for ends of justice 1(one) week's time is granted.

List this matter on 13.08.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 442 of 2010

06.08.13

Both the leading counsel Mr. GS Massar, the learned senior counsel as well as Mr. H Nongkhlaw, the learned counsel for the petitioner are not present. However, their juniors counsel informed the Court that they are not well.

List this matter on 3.09.13.

JUDGE

V. Lyndem.