

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(Crl.)(SH) No. 332 of 2012**

**7.05.13**

Heard Ms. Maya Devi, the learned counsel appearing on behalf of the petitioner who prayed that the matter may be fixed after 1(one) week.

Prayer is allowed.

Mr. S Sen Gupta, the learned counsel for the state respondent submits that he has already filed the counter affidavit.

List this matter on 14.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB(SH) No. 44 of 2013**

**7.05.13**

Heard Mr. R. Sahu, the learned counsel appearing on behalf of the petitioner as well as Mrs. NG Shylla, the learned Adll. PP.

Considering the submissions advanced by the counsel for both the parties, I am of the considered view that bail application will be considered only after perusal of the CD.

Call for CD.

Considering the seriousness of the offences, I am not inclined to grant pre-arrest bail at this stage.

List this matter on 14.05.13 along with CD.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Revn.P.(SH) No. 63 of 2012**

**7.05.13**

Heard Mr. GS Massar, the learned senior counsel assisted by Mr. JM Thangkhiew, the learned counsel for the petitioner who has contended that in this instant case, from the FIR it is apparent that the petitioner/accused has no intention or mens-ria to cheat the bank or anyone. But the bank by mistake has deposited an amount of Rs. 22,95,000/- to the Accounts of the petitioner and when the bank realised that excess payment has been made, they asked the petitioner to refund the said amount. However the petitioner is not in a position to refund the entire amount at a time. Hence, this case has been registered and the petitioner is ready to pay the amount by way of instalments and prayed that this proceeding may be quashed.

On the other hand, Mr. R. Gurung, the Addl. PP submits that from CD, it appears that the petitioner had made some profit which he did not disclosed to the bank, so proceeding should not be quashed.

Mr. K. Khan, the learned counsel appearing on behalf of the bank respondent submits that, if at all the petitioner is ready to pay the said amount by way of instalments, he can always approach the bank concerned to make the payment.

After careful perusal, I am of the considered view that if each and every case, specially cases where public money is involved and if proceeding is allowed to be quashed by invoking provision under Section 482 CrPC then, "sanctity of Section 482 CrPC will be collapsed." Section 482 CrPC is a made provision, to apply it with caution in order to prevent the abuse process of a law, to be used sparingly and not randomly. Therefore, I could not satisfy myself to apply Section 482 CrPC at this stage. Hence, this petition is rejected. However, both the parties are at liberty to settle the matter amicably, if they desire to do so. At the same time the Investigating Agency is also directed to expedite the investigation.

Registry is directed to furnish a copy of this order to the Addl. PP within 48 hours who shall in turn communicate this order to the IO concerned through the Superintendent of Police, East Khasi Hills, Shillong.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Rev.P.(SH) No. 67 of 2012**

**7.05.13**

Heard Ms. H. Kristazi, the learned counsel for the petitioner who submits that affidavit pertaining to dasti service has already been filed.

The respondent No. 2 is absent without any steps nor engaged any counsel in spite of direction given by this Court vide order dated 2.05.13.

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

List this matter on 14.05.13 as prayed for by the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Rev.P.(SH) No. 68 of 2012**

**7.05.13**

Heard Ms. H. Kristazi, the learned counsel for the petitioner who submits that affidavit pertaining to dasti service has already been filed.

The respondent No. 2 is absent without any steps nor engaged any counsel in spite of direction given by this Court vide order dated 2.05.13.

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

List this matter on 14.05.13 as prayed for by the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Rev.P.(SH) No. 69 of 2012**

**7.05.13**

Heard Ms. H. Kristazi, the learned counsel for the petitioner who submits that affidavit pertaining to dasti service has already been filed.

The respondent No. 2 is absent without any steps nor engaged any counsel in spite of direction given by this Court vide order dated 2.05.13.

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

List this matter on 14.05.13 as prayed for by the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA(SH) No. 35 of 2013**

**7.05.13**

Heard Mr. H. Abraham, the learned counsel for the petitioner who submits that the accused/detenué was arrested on 27.04.12 in connection with Shella P.S. Case No. 11(4)2012 u/s 120(B)/121/121(A) IPC r/w Section 10/38 UA(P) Act, 1967 and was detained under MPDA. Thereafter, the writ petition was moved before this High Court. After scrutiny of all the necessary documents, this High Court was pleased to release the said detenué vide order dated 6.12.12 in WP(Crl.)(SH) No. 5 of 2012.

On the strength of the judgment passed by this Court, Government of Meghalaya ordered to release the detenué immediately w.e.f. 21.12.12. But in spite of the fact that the detenué has not been released till date.

The learned counsel also brought to my notice that he approached the Court of ADM, Sohra with bail bond etc but it was rejected. Finding no other way out, he further approached this Court.

From records, it appears that CD was called for many times but unfortunately, the IO concerned has taken a leisure time or he might have been in a dream world and had no time to comply to the Court's order. Hence, compelled this Court to pass an order dated 30.04.13 directing the Director General of Police, Meghalaya to instruct the IO concerned.

The Asstt. Inspector General of Police, (R), Meghalaya, Shillong vide Letter No. L&O/SHC/Shella ps/2013, dated 3.05.13 addressed to Mr. R. Gurung, the Addl. PP, wherein the IO was directed to appear before the Addl. PP and to present the matter under his guidance.

On enquiry, the Addl. PP submits that the IO did not come in person but just forward the CD. This shows that the Investigating Agency's negligence and they did not even respect their higher authorities and no hierarchy is maintained in the Police Department.

From the order dated 30.04.13, it also appears that the Director General of Police, Meghalaya was directed to submit a compliance report before this Court but no such

report has been placed before this Court which shows a sorry state of affairs and the Director General of Police does not understand the implications of the law. He, therefore, to explain why compliance report has not been placed as directed by this Court.

Considering the fact that, the detinue is still in custody in spite of released order; this Court took a serious view and requires correcting the whole system.

ADM, Sohra, Jail Superintendent, Shillong and IO concerned are directed to appear in persons before this Court and to explain why and under what circumstances, the detinue was detained in spite having released order.

The Director General of Police, Meghalaya is also directed to appear in person before this Court.

The incumbent should take note that failure to comply, warrant shall follow.

Registry is directed to furnish a copy of this order to the Addl. PP within 48 hours who shall in turn communicate this order to the concerned persons.

Registry is also further directed to make an effort to serve a copy of this order to the concerned officers. Further directed to keep service report on file.

List this matter on 14.05.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 32 of 2013**

**7.05.13**

Heard Ms. NG Shylla, the learned Adll. PP as well as Mr. HL Shangreiso, the learned counsel for the petitioner who sought for 2(two) weeks' time.

Prayer is allowed.

In the meantime, the counsel for the petitioner is directed to furnish a copy of the petition to the learned Adll. PP in the course of the day.

List this matter on 21.05.13.

JUDGE

V. Lyndem.

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

**7.05.13**

Heard Ms. L. Khiangte, the learned counsel for the petitioner who submits that she has no objection if the matter is transferred and disposed of.

Also heard Mr. VK Jindal, the learned senior counsel for the CBI.

From the submissions advanced by both the learned counsel, it appears that petition for transfer has been moved for shifting the cases bearing GR No. 347(S) 2010, GR No. 349(S) 2010, GR No. 355(S) 2010, GR No. 356(S) 2010 pending in the Court of Chief Judicial Magistrate, Shillong to the Court of Chief Judicial Magistrate, Aizwal, state of Mizoram.

Since, the High Court of Meghalaya has no jurisdiction over the Mizoram subordinate Court due to the separation of new High Courts. Accordingly, parties are directed to approach appropriate forum.

With these observations and directions, all the cases bearing Nos. Tr. P(CrI.)(SH) No. 1 of 2013, No. Tr. P(CrI.)(SH) No. 2 of 2013, No. Tr. P(CrI.)(SH) No. 3 of 2013 and No. Tr. P(CrI.)(SH) No. 4 of 2013 are hereby disposed of.

JUDGE

V. Lyndem.

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

**7.05.13**

Heard Ms. L. Khiangte, the learned counsel for the petitioner who submits that she has no objection if the matter is transferred and disposed of.

Also heard Mr. VK Jindal, the learned senior counsel for the CBI.

From the submissions advanced by both the learned counsel, it appears that petition for transfer has been moved for shifting the cases bearing GR No. 347(S) 2010, GR No. 349(S) 2010, GR No. 355(S) 2010, GR No. 356(S) 2010 pending in the Court of Chief Judicial Magistrate, Shillong to the Court of Chief Judicial Magistrate, Aizwal, state of Mizoram.

Since, the High Court of Meghalaya has no jurisdiction over the Mizoram subordinate Court due to the separation of High Courts. Accordingly, parties are directed to approach appropriate forum.

With these observations and directions, all the cases bearing Nos. Tr. P(CrI.)(SH) No. 1 of 2013, No. Tr. P(CrI.)(SH) No. 2 of 2013, No. Tr. P(CrI.)(SH) No. 3 of 2013 and No. Tr. P(CrI.)(SH) No. 4 of 2013 are hereby disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Tr.P.(CrI.)(SH) No. 3 of 2013**

**7.05.13**

Heard Ms. L. Khiangte, the learned counsel for the petitioner who submits that she has no objection if the matter is transferred and disposed of.

Also heard Mr. VK Jindal, the learned senior counsel for the CBI.

From the submissions advanced by both the learned counsel, it appears that petition for transfer has been moved for shifting the cases bearing GR No. 347(S) 2010, GR No. 349(S) 2010, GR No. 355(S) 2010, GR No. 356(S) 2010 pending in the Court of Chief Judicial Magistrate, Shillong to the Court of Chief Judicial Magistrate, Aizwal, state of Mizoram.

Since, the High Court of Meghalaya has no jurisdiction over the Mizoram subordinate Court due to the separation of new High Courts. Accordingly, parties are directed to approach appropriate forum.

With these observations and directions, all the cases bearing Nos. Tr. P(CrI.)(SH) No. 1 of 2013, No. Tr. P(CrI.)(SH) No. 2 of 2013, No. Tr. P(CrI.)(SH) No. 3 of 2013 and No. Tr. P(CrI.)(SH) No. 4 of 2013 are hereby disposed of.

JUDGE

V. Lyndem.

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

**7.05.13**

Heard Ms. L. Khiangte, the learned counsel for the petitioner who submits that she has no objection if the matter is transferred and disposed of.

Also heard Mr. VK Jindal, the learned senior counsel for the CBI.

From the submissions advanced by both the learned counsel, it appears that petition for transfer has been moved for shifting the cases bearing GR No. 347(S) 2010, GR No. 349(S) 2010, GR No. 355(S) 2010, GR No. 356(S) 2010 pending in the Court of Chief Judicial Magistrate, Shillong to the Court of Chief Judicial Magistrate, Aizwal, state of Mizoram.

Since, the High Court of Meghalaya has no jurisdiction over the Mizoram subordinate Court due to the separation of new High Courts. Accordingly, parties are directed to approach appropriate forum.

With these observations and directions, all the cases bearing Nos. Tr. P(CrI.)(SH) No. 1 of 2013, No. Tr. P(CrI.)(SH) No. 2 of 2013, No. Tr. P(CrI.)(SH) No. 3 of 2013 and No. Tr. P(CrI.)(SH) No. 4 of 2013 are hereby disposed of.

JUDGE

V. Lyndem.

