

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 60 of 2013

7.06.13

Heard Mr. Taslimul Haque, the learned counsel for the petitioner as well as Mr. ND Chullai, the learned PP who submits that the CD is with Mrs. NG Shylla, the learned Addl. PP who is not available in the Court.

It is suggested that CD should be made available with the learned PP himself. In case if any learned Addl. PP is absent, then any other counsel can take up and represent the case so that the matter will not be delayed un-necessarily and cause inconvenient to the parties.

However, considering that the CD is not available, the matter is adjourned. The interim order passed on 24.05.13 shall continue till disposal of this bail application.

Registry is directed to furnish a copy of this order to the learned PP.

List this matter on 28.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 61 of 2013

7.06.13

Heard Mr. Taslimul Haque, the learned counsel for the petitioner who submits that the petitioner is not interested to further press for bail and prayed that he may be allowed to withdraw the same.

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

Considering the submission advanced by the learned counsel for the petitioner, the matter is closed on being withdrawal and stands disposed of.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 59 of 2013**

7.06.13

Heard Mr. SA Sheikh, the learned counsel for the petitioner.

The matter was fixed for CD and hearing.

From the order dated 31.05.13, it appears that till date the CD has not been placed by the learned Addl. PP on the ground that the same was not received. Thereafter, the order was passed to apprise the matter to the Director General of Police in spite of the fact that Mr. H. Kharmih, the learned Addl. PP has submitted that CD has not been received. It is really a sad state of affairs on the part of the police. Police Department is taking the Court's Order very lightly for which I express anguish and displeasure. Director General of Police, Meghalaya is directed to instruct the Addl. Director General of Police to be present in the Court in person on 17.06.13 failing which Director General of Police will be asked to appear in person to answer the question.

Registry is directed to furnish a copy of this order to Mr. H. Kharmih, the learned Addl. PP who shall in turn inform the Director General of Police immediately.

List this matter on 10.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 66 of 2013

7.06.13

Heard Mr. K CH Gautam, the learned counsel for the petitioner who submits that the accused person namely; **Tensing Khonglah** is in custody for almost 46 days. However, bail applications have been moved before the Lower Court below but all were rejected.

The learned counsel for the petitioner also contended that his further custody is not necessary in connection with Pynursla P.S. Case No. 12(4) of 2013 u/s 364(A)/393/34/I.P.C. r/w 27 (2) of the Arms Act.

On the other hand, Mr. Sen Gupta, the learned Addl. PP submits that CD has arrived, the investigation is almost completed and the IO is waiting for FSL report so that he can file a charge-sheet.

The learned Addl. PP could not satisfy the Court, why further custody of the accused person is necessary. We must remember that rejection of bail should not be adopted as a punitive measure if sufficient justification is not available. A person cannot be kept in custody without sufficient reasons as it will amount to interference with one's liberty. Therefore, I do not find any reason to my satisfaction to note that bail cannot be granted.

Considering the facts and circumstances and the submissions advanced by the learned counsel, I am of the opinion that this is a fit case where the accused person can be granted bail. Accordingly, he is allowed to go on bail for a sum of Rs. 40,000/- with one surety of the like amount subject to the satisfaction of the Court below on the following conditions.

- i) He shall appear before the IO as and when necessary for the purpose of investigation.
- ii) He shall not interfere with the investigation or tamper any evidence.
- iii) He shall appear before the Court for trial as and when necessary.

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

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Case (SH) No. 11 of 2013

7.06.13

Heard Mr. S Thapa, the learned counsel for the petitioner who submits that, it appears from record that service report has not yet been received.

Wait for the service report.

List this matter on 14.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Appeal (SH) No. 1 of 2013

7.06.13

Heard Mr. NM Mansuri, the learned counsel for the petitioner who submits that, he needs at least 2(two) weeks' time to prepare the paper book.

Court Master informed that Lower Court case record has been received.

Mr. S Sen Gupta, the learned Addl. PP is present.

List this matter on 21.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Petn (SH) No. 51 of 2012

7.06.13

Heard Ms. S Acharjee, the learned counsel informed that Mr. K Khan, the learned Addl. senior PP could not appear before the Court today due to bereavement in the family, so the matter may be fixed after 3(three) weeks.

Prayer is allowed.

Mr. R Debnath, the learned CGC is present.

List this matter on 28.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (Cr1.) (SH) No. 1 of 2013

7.06.13

Heard Mr. HR Nath the learned counsel for the petitioner as well as Mr. S Sen Gupta, the learned Addl. PP who submits that he desires to file additional affidavit, if require.

Prayer is allowed.

The learned counsel for the petitioner is also at liberty to file rejoinder, if he desires to do so.

List this matter on 21.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP (Cr1.) (SH) No. 2 of 2013

7.06.13

Heard Mr. HR Nath the learned counsel for the petitioner as well as Mr. S Sen Gupta, the learned Addl. PP who submits that he desires to file additional affidavit, if require.

Prayer is allowed.

The learned counsel for the petitioner is also at liberty to file rejoinder, if he desires to do so.

List this matter on 21.06.13.

JUDGE

V. Lyndem.

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

7.06.13

Heard Mr. HR Nath the learned counsel for the petitioner as well as Mr. S Sen Gupta, the learned Addl. PP who submits that he desires to file additional affidavit, if require.

Prayer is allowed.

The learned counsel for the petitioner is also at liberty to file rejoinder, if he desires to do so.

List this matter on 21.06.13.

JUDGE

V. Lyndem.

