

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB(SH) No. 107 of 2013**

**08.08.13**

Heard Mr. S Sahu, the learned counsel for the petitioner who submits that, an FIR was lodged by the complainant against the petitioner/accused on 10.07.13. As a result, the petitioner/accused is of the apprehension that he may be arrested at any point of time in connection with Khanapara PS Case No. 20 (7) 2013 U/s 506 IPC. The learned counsel further contended that bail application was also move before the learned ADM, Nongpoh which was rejected vide order dated 30.07.13.

Also heard Mrs. S Bhattacharjee, the learned Addl. PP.

On perusal of the FIR as well as the order passed by the learned ADM, Nongpoh, I do not see any reason why bail application cannot be considered. Besides that, the case has been registered under Section 506, therefore, if the bail is granted I am of the opinion that investigation will not be hampered.

Accordingly, the IO concerned is directed that, in the event of arrest to release the petitioner/accused on the following conditions.

- i) The petitioner/accused shall appear before the IO concerned continuously for 2(two) days w.e.f. 9.08.13, thereafter as and when necessary for the purpose of investigation.
- ii) The petitioner/accused shall not interfere with the investigation or tamper any evidence.
- iii) The petitioner/accused shall maintain peace and harmony in the locality and not to disturb the complainant.

With the above observations and directions, bail application is allowed and the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 98 of 2013**

**08.08.13**

Heard Mr. H Kharmih, the learned counsel for the petitioner.

Mrs. S Bhattacharjee, the learned PP submits that, she needs sometime to consult the matter with the IO concerned.

Prayer is allowed.

In the meantime, in the event of arrest the IO is direction to release accused on bail with a sum of Rs. 30,000/- with one surety of the like amount on the following condition.

- i) The accused shall not interfere with the investigation or tamper any evidence.

The Interim order shall remain in force till disposal of the bail application.

List this matter on 13.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA(SH) No. 103 of 2013**  
**BA(SH) No. 104 of 2013**  
**BA(SH) No. 105 of 2013**

**08.08.2013**

Heard Mr. R Gurung, the learned counsel for the petitioner who submits that, BA(SH) 103 of 2013, BA(SH) 104 of 2013 and BA(SH) 105 of 2013 may be taken up together as all these cases arose out of the same FIR against the accused persons namely; **Shri. Roton Biswajit Das, Shri. Rajan Surojit Das and Shri. Sujoy Das.**

The learned counsel for the petitioner further contended that there was a quarrel between the accused persons and the complainant, as a result the complainant has sustained injuries. On the basis of the complaint, the police has registered a case as Lumdiengjri PS Case No. 64 (7) 2013 u/s 324.34 IPC and arrested the accused persons and they are in custody since 26.07.13.

In this regard, bail application was moved before Chief Judicial Magistrate, Shillong and the same was rejected vide order 30.07.13, hence, this bail application.

The learned counsel also further contended that, since the accused persons are already in custody since 26.07.13, so their further custody is not be necessary and they may be released on bail.

CD was called for and accordingly it was placed before this Court.

I have perused the CD.

Mr. S Sen Gupta, the learned Addl. PP is present along with the IO who submits that, their further custody is not necessary besides that, the complainant is recovering.

Considering the submissions advanced by the prosecution and CD, the accused persons are allowed to go on bail with a sum of Rs. 15,000/- each with one sureties of the like amount subject to the satisfaction of the Chief Judicial Magistrate, Shillong on the following conditions.

- i) The accused persons shall cooperate with the IO concerned for the purpose of investigation.
- ii) The accused persons shall not interfere with the investigation or tamper with evidence.

iii) The accused persons shall maintain peace and harmony in the locality and they shall face trial as and when necessary.

With these observations and directions, bail applications are allowed and the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA(SH) No. 106 of 2013**

**08.08.13**

Heard Mr. AH Hazarika, the learned counsel for the petitioner as well as Mr. ND Chullai, the learned senior counsel assisted by Mrs. S Bhattacharjee, the learned Addl. PP.

Call for CD.

Bail application will be considered after perusal of CD.

List this matter on 14.08.13 for CD and Hearing.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**CrI. MC (SH) No. 48 of 2013 in**  
**CrI. Petn.(SH) No. 54 of 2013**

**08.08.2013**

The matter will be considered along with CrI. Petn.(SH) No. 54 of 2013 on 22.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 54 of 2013**

**08.08.2013**

Heard Ms. B Das, the learned counsel for the petitioner.

Call for CD.

Since Mr. ND Chullai, the learned senior counsel assisted by Mrs. S Bhattacharjee, the learned Addl. PP is present and accepted notice, no formal notice is called for.

Notice is made returnable within 2(two) weeks.

List this matter on 22.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Revn.P (SH) No. 45 of 2013**

**08.08.13**

Heard Mr N Khan, the learned counsel for the petitioner who submits that, in this instant case the petitioner/accused has been in custody till date since 22.05.13 on the strength of the NBWA issued by the learned Special Judge, Fast Track Court, Nongstoin. The learned counsel further contended that, no case has been registered against the petitioner/accused and he has been kept in custody only on the basis of the NBWA of the said Court.

I have perused the impugned order 22.05.13 passed by the learned Special Judge, Fast Track Court, Nongstoin wherein it appears that, a kind of threat was made against the Special Judge, Fast Track Court, Nongstoin in the presence of the staff.

The Fast Track Court, Nongstoin informed the matter by the said order to the Commissioner & Secretary to the Govt. of Meghalaya, (Home) Police Department, Secretary to the Govt. of Meghalaya, Law Department, Director General of Police, Meghalaya, Superintendent of Police, West Khasi Hills District, Nongstoin and O.C. Nongstoin.

I could not understand, in spite of the information vide order dated 22.05.13, why the police did not register a case against the petitioner/accused for the alleged offence but instead he has been kept in custody only on the strength of NBWA issued by the said Court.

We must remember that while dealing with the law, every action and re-action must be followed by certain procedures and norms.

I have also perused the report of the Deputy Commissioner, West Khasi Hills, Nongstoin.

Considering the facts and circumstances of the case, I am of the considered view that it will be appropriate on the part of the concerned Special Judge to file an FIR with the police against the petitioner/accused through his office for investigation of the case.

However, I do not see any reason also that, the petitioner/accused to be kept in custody for such a long period of time only on the strength of the NBWA. Hence the learned Special

Judge, Fast Track Court, Nongstoin is hereby directed to take immediate necessary action to withdraw the NBWA and to release the petitioner/accused forthwith.

Mr. ND Chullai, the learned senior counsel assisted by Mrs. S Bhattacharjee, the learned Addl. PP is present who also agreed with the views as stated above.

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

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 53 of 2013**

**08.08.13**

Heard Mr. S Syngkon, the learned counsel for the petitioner who submits that, in spite of the order passed by this Court vide order dated 11.07.13 in Crl. Revn. P.(SH) No. 30 of 2013, the learned Court below did not take any step to release the accused on the ground that there is no specific direction but Para-6 of the said order is very much specific. I could not understand for what reason the learned Court below failed to understand the contents of the order. Hence, the learned Judge, Special Court/Fast Track Court Nongstoin is hereby directed to appear in person on 14.08.13 to explain the reason why he did not take any steps to release the accused failing which contempt will be drawn against him.

Also heard Mr. K Khan, the learned senior PP.

Registry is directed to communicate a copy of this order immediately to the concerned Judicial Officer, Fast Track Court, Nongstoin and also to furnish a copy of this order to the learned Addl. senior PP who shall in turn send a copy of the same to the concerned Judicial Officer through the Superintendent of Police, Shillong.

List this matter on 14.08.13.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 339 of 2008**

**08.08.2013**

Heard Ms. L. Warjri, the learned counsel for the petitioner who submits that, the leading counsel Mr. K Paul is out of station, so the matter may be fixed next week.

Mr. S Dey, the learned counsel for the District Council and Ms. SG Momin, the learned counsel for private respondent are present.

List this matter on 16.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 137 of 2010**

**08.08.13**

Heard Mr. R Debnath, the learned counsel for the petitioner as well as Mr. R Choudhury, the learned counsel for respondent who submits that, the matter may be fixed next week.

Prayer is allowed.

List this matter on 19.08.13.

JUDGE

V. Lyndem.

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

**08.08.13**

Heard Mr. AH Hazarika, the learned counsel for the petitioner as well as Mrs. S Bhattacharjee, the learned GA.

List this matter on 16.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 224 of 2011**

**08.08.13**

List this matter on **12.08.13** as suggested by Mr. AH Hazarika, the learned counsel for the petitioner.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 224 of 2013**

**08.08.2013**

Heard Mr. HL Shangreiso, the learned counsel for the petitioner.

Issue Notice.

Notice is made returnable within 3(three) weeks.

Since Mr. S Dey, the learned counsel for the District Council is present and accepted notice on behalf of the respondents No. 1 & 2, no formal notice is called for.

However, the petitioner's counsel to take necessary steps to serve notice upon the respondent No. 3.

The petitioner's counsel is further direction to furnish a copy of the petition to the learned counsel for the respondents.

List this matter on 29.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 235 of 2010**

**08.08.13**

Heard Mr R Debnath, the learned CGC who submits that, he needs at least 3(three) weeks' time.

Heard Mr. BK Deb Roy who appeared on behalf of Ms. M Dev as well as Mr. ND Chullai, the learned senior counsel assisted by Mrs. S Bhattacharjee appearing on behalf of the state.

List this matter on 29.08.13 as prayed for.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 247 of 2009**

**08.08.13**

Heard Mr. BK Deb Roy, the learned counsel for the petitioner.

Also heard Mr. R Choudhury, the learned counsel for respondent as well as Mr. R Debnath, the learned CGC.

It has been pointed out by the learned counsel that, there are some errors in the records which need to be corrected, so the matter may be fixed after 1(one) week.

Prayer is allowed.

List this matter on 19.08.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 312 of 2011**

**08.08.13**

The brief fact of the case is that, the petitioner's husband was initially appointed as Work Charge Khalasi in the office of the SDO, PHE (RWS) Simsangri Division, Williamnagar. Subsequently the said post was regularized as Khalasi and petitioner's husband expired on 23.02.95 while he was still on service.

After the death of her husband, the petitioner applied for Grade-D post and she was appointed on Compassionate Ground as Cleaner on a consolidated salary of Rs. 750/- per month. Since then she is working till date and now she is getting Rs. 1200/- per month.

Thereafter, the petitioner submits a representation to upgrade and to regularize her post as a full-fledged Cleaner but the respondent authority did not take any initiative. Being aggrieved, the petitioner approached this Court by way of this petition.

Mr. AH Hazarika, the learned counsel for the petitioner submits that, the petitioner has served as Cleaner on a consolidated salary for the almost 17(seventeen) years but her post has not been regularized or upgrade till date. The learned counsel further contended that with this meager salary, she is facing difficulty to maintain herself and her children, so the Court may pass necessary direction as deem fit and proper.

On the other hand, Mrs. S Bhattacharjee, the learned GA submits that, the petitioner is working only for 2(two) hours though the working hours is 8(eight) hours.

Considering the submissions advanced by the learned counsel for both the parties, I am of the considered view that the respondent authority should have considered her representation on humanitarian ground that, with just Rs. 750/- or Rs. 1200/- per month, it is very difficult for a person to survive with children.

Hence, for the ends of justice, the respondent authority is hereby directed to regularize the service of the petitioner within a period of 3(three) months from the date of this order and the

petitioner is also directed that, she should work for full time as required by the office.

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

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**WP(C)(SH) No. 346 of 2009**

**08.08.2013**

Heard Ms. L. Warjri, the learned counsel for the petitioner who submits that, the leading counsel Mr. K Paul is out of station, so the matter may be fixed next week.

Mr. BK Das, the learned counsel for the petitioner is present.

List this matter on 16.08.13.

JUDGE

V. Lyndem.