

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

11.06.13

Heard Mr. SA Sheikh, the learned counsel for the petitioner who submits that the accused person, namely, **Shri. Liton Borman** has been arrested on 28.03.13 in connection with Mawsynram P.S. Case No. 2(1) 2013 u/s 498(A)/304(A) IPC. Since then, he is in police custody and in judicial custody for almost 75 days, thereafter, his further detention may not be necessary.

Considering the bail application at the initial stage, CD was called for. But in spite of the fact that CD was called for, the same has not been placed before the Court by the IO, as a result bail application could not be decided in time which is regrettable and painful to the Court. We must remember that freedom and free movement is the right of a person and no one can be just detained without any sufficient cause.

Therefore, I find no other way but to direct the Addl. Director General of Police to appear before this Court. In response to the order, Addl. Director General of Police, Mr. YC Modi appeared in person and submits that all necessary steps have been taken from Police Headquarter to the effect that CD and other related documents should reach the Court in time.

If it is so, I could not understand why, when one of the senior most officer or Police Headquarter has directed the Superintendents of Police, IOs etc., why the entire things are in such a mess and CDs are not coming in time. I want to remind the Police Department that they should not isolate themselves from the Court; they must understand that they are part and parcel of criminal justice system. They have got secret duty to assist the Court so that substantial justice is rendered in time, at the same time to see that no innocent man is harassed unnecessarily and that no person should remain in custody without any cause.

The Addl. Director General of Police as assured that further steps will be taken to ensure that whenever CDs and other documents are called for, they will extent their full cooperation with the Court.

Considering the submissions advanced by Mr YC Modi, the Addl. Director General of Police, his personal appearance

is hereby dispensed with the trust and hope that he will keep his words to the full extent.

CD has been produced by the IO Mr. N. Joshi.

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

At the very outset, the IO has submitted that further custody of the accused person is not necessary. Accordingly, the accused person is allowed to go on bail with a sum of Rs. 15,000/- 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 purpose of investigation.
- ii) He shall not interfere with the investigation or tamper any evidence.
- iii) He shall appear before the Trial Court to face trial as and when necessary.

With these observations and directions, this instant bail application is allowed and stand disposed of.

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

Registry is further directed to furnish a copy of this order to the Addl. Director General of Police, Meghalaya.

The matter stands disposed of.

JUDGE

V. Lyndem.

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

11.06.13

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

Hearing concluded.

Judgment reserved.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB (SH) No. 67 of 2013

11.06.13

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

Call for CD.

Bail application will be considered after perusal of CD.

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

In the meantime, in the event of arrest, the petitioner/accused is to be released on bail for a sum of Rs. 50,000/- with one surety of the like amount on the following conditions.

- i) The petitioner/accused shall not leave the jurisdiction of the Court where he resides.
- ii) The petitioner/accused shall not interfere with the investigation or tamper any evidence.

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

List this matter on 24.06.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Case (SH) No. 10 of 2013

11.06.13

Heard Mr. L Khyriem, the learned counsel for the petitioner who submits that service report is complete.

In response to the notice, Mr. R Gurung, the learned counsel has entered appearance on behalf of the respondent No. 1.

List this matter for counter affidavit, if any on 24.06.13.

JUDGE

V. Lyndem.

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

11.06.13

Heard Mr. S Dey, the learned counsel for the petitioner who submits that service report is yet to be received.

Mr. R Gurung, the learned state counsel is present.

List this matter on 11.07.13

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn.P. (SH) No. 38 of 2013

11.06.13

None appears for the petitioner.

Mr. R Gurung, the learned state counsel is present.

List this matter in the usual course of time.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 439 of 2010**

11.06.13

Heard Mrs. S Bhattacharjee, the learned counsel for the petitioner who submits that, there are some typographical mistakes at Page No. 11 of the petition.

In the meantime, the counsel for the petitioner is directed to correct the mistakes through Registry.

Mr. MF Qureshi, the learned counsel appearing on behalf of the respondent is present.

List this matter on 24.06.13.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 344 of 2011**

11.06.13

List this matter on 17.06.13 as suggested by Mr. SD Upadhaya, the learned counsel for the petitioner.

JUDGE

V. Lyndem.

