

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

**12.07.2013**

Heard Mr. BK Dey Roy, the learned counsel for the petitioner who submits that, this instant case does not fall within the parameter of the criminal investigation as no criminal offences has taken place.

Secondly, the learned counsel further contended that, from the contents of the FIR, Sections 406/420/466 IPC does not reveal, as such, the FIR dated 26.04.13 has no leg to stand for further investigation, so such FIR may be quashed.

Also Mr. ND Chullai, the learned PP.

After hearing the submissions advanced by the learned counsel for the parties and after going through the FIR at page 34, I am of the considered view that definitely prima facie case is there for the purpose of investigation.

The question of ingredients of Sections 406/420/466 IPC cannot be determined at this stage until investigation is completed. In such serious nature of cases if the FIR is quashed, it is bound to affect the confidence of the people and it will have bad precedence.

On careful thought and on perusal of the FIR, I find no reason to interfere with the FIR, hence, the instant Misc. case is rejected and stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. MC (SH) No. 43 of 2013**

**12.07.2013**

In the light of the order passed on Crl. MC (SH) No. 44  
of 2013, this instant Misc Case also stands disposed of.

JUDGE

V. Lyndem.

**BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
BA (SH) No. 94 of 2013**

**12.07.2013**

Heard Mr. B Bhattacharjee, the learned for on behalf of the petitioner.

Mr. ND Chullai, the learned PP is present.

Call for CD.

List this matter on 15.07.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA (SH) No. 93 of 2013**

**12.07.2013**

Heard Ms. SG Momin, the learned for on behalf of the petitioner.

Call for CD.

Mr. ND Chullai, the learned PP is present.

List this matter on 19.07.13.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Petn.(SH) No. 48 of 2013**

**12.07.2013**

Heard Mr. R. Deka, the learned for on behalf of the petitioner who submits that, the interim maintenance is extremely high and it is beyond the capacity of the petitioner to pay the same. Besides that, the petitioner was not heard before passing the interim order.

In my view, interim order can be passed exparte. However, since the petitioner's counsel submits that, it is beyond his capacity to pay the maintenance allowance to the tune of Rs. 7,000/-, so the matter needs to be heard from both sides before passing any appropriate order.

Therefore, the matter is remanded back to the concerned Court for hearing both the parties and to pass appropriate order as deemed fit and proper in accordance with law. Hence, the impugned order dated 19.12.12 is hereby quashed and the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 83 of 2013**

**12.07.2013**

Heard Mr. B Khyriem, the learned for on behalf of the petitioner who submits that, false complaint has been lodged by the complainant, as a result, the police has registered a case as Mawkyrwat P.S. Case No. 28.06.13 and the petitioner is of the apprehension that, he may be arrested at any point of time.

I have perused the CD as produced by Mr. S Sen Gupta, the learned Addl. PP and it is found that the case has been registered under Section 506/34. I have also perused the statement of the complainant.

After hearing the submissions advanced by the learned counsel for the parties and on perusal of the CD, I do not find any reason to record to my satisfaction that, pre-arrest bail should not be allowed. Accordingly, the petitioner is allowed to go on pre-arrest bail on the following conditions.

- i) He shall appear before the IO concerned continuously for 3(three) days w.e.f. 13.07.13, thereafter as and when necessary.
- ii) He shall not interfere with the investigation or tamper any evidence.

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

Court Master is directed to return the CD to the learned Addl. PP.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 84 of 2013**

**12.07.2013**

Heard Mr. B Khyriem, the learned for on behalf of the petitioner who submits that, false complaint has been lodged by the complainant, as a result, the police has registered a case as Mawkyrwat P.S. Case No. 28.06.13 and the petitioner is of the apprehension that, he may be arrested at any point of time.

I have perused the CD as produced by Mr. S Sen Gupta, the learned Addl. PP and it is found that the case has been registered under Section 506/34. I have also perused the statement of the complainant.

After hearing the submissions advanced by the learned counsel for the parties and on perusal of the CD, I do not find any reason to record to my satisfaction that, pre-arrest bail should not be allowed. Accordingly, the petitioner is allowed to go on pre-arrest bail on the following conditions.

- i) He shall appear before the IO concerned continuously for 3(three) days w.e.f. 13.07.13, thereafter as and when necessary.
  
- ii) He shall not interfere with the investigation or tamper any evidence.

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

Court Master is directed to return the CD to the learned Addl. PP.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 85 of 2013**

**12.07.2013**

Heard Mr. B Khyriem, the learned for on behalf of the petitioner who submits that, false complaint has been lodged by the complainant, as a result, the police has registered a case as Mawkyrwat P.S. Case No. 28.06.13 and the petitioner is of the apprehension that, he may be arrested at any point of time.

I have perused the CD as produced by Mr. S Sen Gupta, the learned Addl. PP and it is found that the case has been registered under Section 506/34. I have also perused the statement of the complainant.

After hearing the submissions advanced by the learned counsel for the parties and on perusal of the CD, I do not find any reason to record to my satisfaction that, pre-arrest bail should not be allowed. Accordingly, the petitioner is allowed to go on pre-arrest bail on the following conditions.

- i) He shall appear before the IO concerned continuously for 3(three) days w.e.f. 13.07.13, thereafter as and when necessary.
  
- ii) He shall not interfere with the investigation or tamper any evidence.

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

Court Master is directed to return the CD to the learned Addl. PP.

JUDGE

V. Lyndem.



**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**AB (SH) No. 86 of 2013**

**12.07.2013**

Heard Mr. B Khyriem, the learned for on behalf of the petitioner who submits that, false complaint has been lodged by the complainant, as a result, the police has registered a case as Mawkyrwat P.S. Case No. 28.06.13 and the petitioner is of the apprehension that, he may be arrested at any point of time.

I have perused the CD as produced by Mr. S Sen Gupta, the learned Addl. PP and it is found that the case has been registered under Section 506/34. I have also perused the statement of the complainant.

After hearing the submissions advanced by the learned counsel for the parties and on perusal of the CD, I do not find any reason to record to my satisfaction that, pre-arrest bail should not be allowed. Accordingly, the petitioner is allowed to go on pre-arrest bail on the following conditions.

- i) He shall appear before the IO concerned continuously for 3(three) days w.e.f. 13.07.13, thereafter as and when necessary.
- ii) He shall not interfere with the investigation or tamper any evidence.

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

Court Master is directed to return the CD to the learned Addl. PP.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**BA (SH) No. 79 of 2013**

**12.07.2013**

Heard Mr. K CH Gautam, the learned for on behalf of the petitioner as well as Mrs. NG Shylla, the learned Addl. PP who produced the WT Message.

The learned Addl. PP further contended that the accused person namely; Ferdinand alias Marak is not arrested in connection with the instant case.

Since the accused person is not arrested, the question of granting bail does not arise, hence, the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Revn.P.(SH) No. 39 of 2013**

**12.07.2013**

Heard Mr. AH Hazarika, the learned for on behalf of the petitioner who submits that, the Maintenance Petition bearing No. 47 of 2013 has been dismissed for default in spite of the fact that adjournment petition was filed. The court below is of the view that, since Mr. S Sahu, advocate has no vakalatnama, he has no right to move the petition on behalf of the petitioner and consequently dismissed the petition.

The learned counsel further contended that, if the petition is not restored, miscarriage of justice will cause to the petitioner.

Also heard Mr. S Alim, the learned for the respondent.

After hearing the submissions advanced by the learned counsel for the parties, I feel that it is a fit case which needs to end with logical conclusion in accordance with law. Hence, the petition is restored to that stage from where it fell down and to dispose of the matter expeditiously.

The parties are directed to approach the learned court below along with copy of this order and the matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**MC(WP)(C)(SH) No. 226 of 2013**

**12.07.2013**

Heard Mr. SC Shyam, the learned the learned CGC who submits that as per direction of this Court, inquiry was conduction and same has been completed within a stipulated time.

The matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE**  
**HON'BLE MR. JUSTICE S.R. SEN**  
**Crl. Appl. (SH) No. 4 of 2011**

**12.07.2013**

List this matter on 19.07.13 as suggested by Mr. S Sen Gupta, the learned Addl. PP.

Mr. S Dey, the learned counsel for respondent in not present before this Court

List it accordingly.

JUDGE

V. Lyndem.

