

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri KK Handique, Advocate, present for the applicant.

Shri R Gurung, Govt. Advocate, present for the respondents.

Heard.

By means of this bail application, the applicant Sanjib Kr. Das has sought pre arrest/anticipatory bail in Nongpoh PS Case No. 12(1) of 2014 relating to offences punishable under Sections 407/420/379/34 IPC.

Learned counsel for the applicant submitted that the applicant is a businessman having no criminal history. It is further pleaded in paragraph 6 and paragraph 12 that the applicant is fully cooperating with the Investigating Agency. The allegation in the First Information Report is that 60 metric tones of wood charcoal were found to have been missing regarding which it is apprehended that a theft was committed by the transporter. It is pleaded that there is no specific role assigned to the applicant, and the applicant has been implicated on account of suspicion element.

Having heard learned counsel for the applicant and learned counsel for the State respondents, and considering the facts and circumstances of the case as above, this Court is of the view that it is a fit case for granting anticipatory bail.

Accordingly, anticipatory bail is allowed. Let the applicant be released on bail, on arrest or surrender before the Court concerned on executing of personal bond and furnishing two sureties each of like amount to the satisfaction of the Chief Judicial Magistrate, Ri-Bhoi, with a further condition that the applicant shall cooperate with the Investigating Agency.

(Prafulla C Pant)
CHIEF JUSTICE

dev
14.05.14

Crl Revn Petn No. 2 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Ms A Sinha, Advocate, present for the revisionist.

None appears for the respondent.

Adjourned at the request of learned counsel for the applicant. List after four weeks.

The applicant is allowed to file affidavit of service of notice on the respondent, before the next date of listing.

CHIEF JUSTICE

dev
14.05.14

THE HIGH COURT OF MEGHALAYA

Criminal Revision Petn No. 4 of 2014

Abdul Aziz Mollah, son of late Harun Mollah, r/o Village &
PO Airkata, PS Fakirganj, District, Dhubri, Assam
..... **Petitioner**

-Versus-

The State of Meghalaya **Respondent**

Shri M Khan, Advocate, present for the petitioner.

Shri ND Chullai, Senior Govt. Advocate, present for the
State respondent.

Date of Order 14th May, 2014.

O R D E R

Hon'ble Chief Justice, Prafulla C Pant.

Heard.

2. This criminal revision is directed against the order dated 28.04.2014 passed in GR No. 42 of 2014, by Judicial Magistrate/In-charge, Chief Judicial Magistrate, West Garo Hills, Tura, whereby, said Magistrate has declined to exercise jurisdiction to hear the bail application moved by the accused Saiful Islam Mollah.

3. It appears that two First Information Reports were lodged in respect of the same crime, one Boko PS Case No. 214 of 2014 in Assam and another Phulbari PS Case No. 28(4) 2014 in Meghalaya. The Magistrate has stated

that for the reason that FIR registered at Phulbari, Meghalaya, is subsequent to the one lodged in Assam, as such it has no jurisdiction to entertain the bail application.

4. Undoubtedly, for enquiry and trial in the light of Section 186(b) of CrPC, it is for the High Court under whose territorial jurisdiction earlier FIR was lodged to decide as to which court shall proceed with the enquiry or trial of the case. But it does not mean that it is open for the Magistrate to exercise jurisdiction for remanding the accused to jail, and closed for exercising the jurisdiction to entertain the bail application. If the Magistrate is of the view that he is competent to keep the accused in custody under Section 167 CrPC and exercise jurisdiction in this regard, he should have heard the bail application on merits of the case.

5. Accordingly, this criminal revision petition is disposed of with the direction to the Magistrate concerned to hear the bail application on merits, if the accused has been remanded to the custody by such Court.

(Prafulla C Pant)
CHIEF JUSTICE

MC No. 142 of 2014
IN WP(C)No. 14 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri KP Bhattacharjee, Advocate, present for the State applicants.

Shri K Ch. Gautam, Advocate, present for the respondent.

Heard.

This is an application for taking the counter affidavit filed in WP(C) No. 14 of 2014, on record.

The application is allowed. Misc. Case stands disposed of. Counter affidavit filed be taken on record in WP(C)No. 14 of 2014.

CHIEF JUSTICE

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14.05.14

MC No. 144 of 2014
IN WP(C)No. 233 of 2013

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri AH Hazarika, Advocate, present for the applicant.

Ms NG Shylla, Govt. Advocate, present for the State respondents.

List before the appropriate Bench hearing the WP(C)No. 233 of 2013.

CHIEF JUSTICE

dev
14.05.14

WP(Crl)No. 1 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri PN Nongbri, Advocate, present for the petitioner.

Shri ND Chullai, Senior Advocate, present for the respondents No. 1 to 3.

Shri M Shangpliang, Advocate, present for respondent No. 4.

Learned counsel for the petitioner states that respondent No. 4 has served copy of the counter affidavit, and he prays for and is allowed two weeks' time to file rejoinder affidavit.

List after two weeks. Meanwhile, respondents No. 1 to 3 may also file their counter affidavits.

CHIEF JUSTICE

dev
14.05.14

WP(C)No. 14 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

List this writ petition along with connected WP(C)No.
278 of 2013 on 15.05.2014.

CHIEF JUSTICE

dev
14.05.14

WP(C)No. 37 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Ms B Rynthiang, Advocate, present for the petitioner.

Shri SC Shyam, Senior Advocate, present for the respondents.

Affidavit-in-opposition has been filed on behalf of the respondents. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed two weeks' time to file rejoinder affidavit.

List after two weeks. Interim order dated 25.03.2014 is extended with the modification that DPC may be held but the decision taken shall not be given effect to till the next date of listing.

CHIEF JUSTICE

dev
14.05.14

WP(C)No. 57 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri S Dey, Advocate, present for the petitioner.

Shri AH Hazarika, Govt. Advocate, present for the respondents No. 1 to 4.

Learned counsel for respondents No. 1 to 4 prays for and is allowed further three weeks' time to file counter affidavit.

List after three weeks along with WP(C)No. 277 of 2013.

CHIEF JUSTICE

dev
14.05.14

WP(C)No. 87 of 2014

14.05.2014

HON'BLE THE CHIEF JUSTICE

Smti S Bhattacharjee, Advocate, present for the petitioner.

Ms NG Shylla, Advocate, present for the State respondents.

Learned counsel for the respondents prays for and is allowed further three weeks' time to file counter affidavit.

List after three weeks.

CHIEF JUSTICE

dev
14.05.14

WP(C)No. 277 of 2013

14.05.2014

HON'BLE THE CHIEF JUSTICE

Shri SA Sheikh, Advocate, present for the petitioner.

Shri AH Hazarika, Govt. Advocate, present for the respondents No. 1 to 4.

Shri S Dey, Advocate, present for the respondent No. 5.

Learned counsel for respondents No. 1 to 4 prays for and is allowed further three weeks' time to file counter affidavit.

List after three weeks along with WP(C)No. 57 of 2014.

CHIEF JUSTICE

dev
14.05.14