

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA(SH) No. 117 of 2013

16.09.2013

Heard Mr. ZA Siddiqui, the learned counsel for the petitioner as well as Mrs. NG Shylla, the learned Addl. PP.

Seen the FIR which is on record.

On perusal of record it appears that, the accused person is in custody for 7(seven) days, as such, I am of the opinion that it is too pre-matured to consider bail at this stage. Besides that, the incidents described in the FIR are a common incident, so the Court cannot just turn a blind eye but to send a strong message to those persons who are indulging in such kind of activities.

However, the petitioner's counsel is directed to move the bail application at an appropriate time before the learned Court below.

With observations and directions, the instant bail application is rejected and the matter stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Caveat (SH) No. 131 of 2013 in
CRP(SH) No. 43 of 2013

16.09.2013

Heard Mr. S Lenthang, the learned counsel for the petitioner as well as Mr. ODV Ladia, the learned counsel for the respondents.

Accordingly, the instant Caveat stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Case (SH) No. 30 of 2013

16.09.2013

Heard Mr. R Gurung, the learned counsel for the petitioner.

Issue notice to the respondents to show cause why this instant petition should not be taken up for consideration or any order or orders should not be passed as deemed fit and proper.

Notice is made returnable within 2(two) weeks.

However, the petitioner's counsel to take necessary steps to serve notice upon the contemnor respondents.

List this matter on 30.09.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Petn.(SH) No. 28 of 2013

16.09.2013

Heard Mr. ODV Ladia, , the learned counsel for the petitioner as well as Mrs. NG Shylla, the learned counsel state counsel.

Lower Court case record received.

List this matter for Hearing on 23.09.13 as suggested by both the learned counsel.

JUDGE

V. Lyndem

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

16.09.2013

Heard Mr. S Lenthang, the learned counsel for the petitioner.

As per record, it appears that AD Card has not yet been received.

However, Mr. ODV Ladia, the learned counsel has entered appearance on behalf of the respondents No. 1 &2 and further submits that, he has filed his power with the Registry today, if it is so, service is completed.

In the meantime, call for the Lower Court case record pertaining to Misc. Civil Appeal No. 2 of 2013 arising out of Title Suit No. 20 of 2012, No. 7 of 2007 and No. 11 of 2009.

List this matter on 7.10.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
TR.P (CrI.) (SH) No. 8 of 2013

16.09.2013

Heard Mr. P Nongbri, the learned counsel for the petitioner who submits that, GR Case No. 44 of 2013 arising out of Williamnagar P.S. Case No. 2(3) of 2013 U/s 376(2)/34 IPC R/w Section 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 is pending before the Fast Tract Court, Williamnagar.

The learned counsel further contended that, both the accused and the victim are tribal, hence, the case needs to be tried by the Court of District Council, Tura as required under the Sixth Schedule of the Constitution of India.

To support his submissions, the learned counsel relied ***in the case of Longsan Khongngain vrs State of Meghalaya reported in 2007 (4) GLT 938.***

Mr. K Khan, the learned senior Addl. PP is present who did not object to the submissions advanced by the learned counsel for the petitioner.

It is an admitted fact that, if there is a dispute between 2(two) tribal within the area falls under Sixth Schedule, the matter needs to be tried by the Court of the District Council.

Accordingly, Fast Tract Court, Williamnagar is directed to transfer the above referred case to the Court of District Council, Tura immediately.

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

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C)(SH) No. 374 of 2010

16.09.2013

Heard Ms. AR Nath, the learned counsel for the petitioner as well as Mr. S Dey, the learned counsel for the District Council.

Both the learned counsel suggested that the matter may be taken up after 2(two) weeks.

Prayer is allowed.

List this matter on 30.09.13

JUDGE

V. Lyndem