

WP(C) No. 375 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.A.Islam, Advocate, present for the petitioner.

Shri. N.D.Chullai, Sr. Govt. Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus commanding to set up the Court of Judicial Magistrate of Dadengiri Sub-Division.

Learned counsel for the petitioner submitted that the petitioner filed an application under Section 125 of the Code of Criminal Procedure 1973 before the Additional District Magistrate, Tura (having powers of Judicial Magistrate, Dadengiri) which was numbered as Misc. Case No. 101 of 2012. It is further stated that in said order, the Magistrate directed the respondent No.3, Md. Abul Hussain (husband of petitioner) to pay ₹ 7(seven) thousand per month as interim maintenance to the petitioner. The grievance of the present petitioner is that the Additional District Magistrate, Tura can no more exercise the powers of Judicial Magistrate, Dadengiri as the notification empowering the said Magistrate as Judicial Magistrate, Dadengiri has been withdrawn.

Learned counsel for the respondents pointed out that Chief Judicial Magistrate has already been appointed in West Garo Hills, Tura and he has the power of the Judicial Magistrate, also in respect of Dadengiri (which is a Sub-Division of West Garo Hills District).

In the above circumstances, this writ petition is summarily disposed of with the observation that the petitioner may move an application for redressal of his grievances regarding execution of the order of interim maintenance before the Chief Judicial Magistrate, West Garo Hills, Tura which can be considered and disposed of by said Magistrate in accordance with law.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)] No. 393 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Since the writ petition No. WP(C) No. 363 of 2013 has been dismissed as withdrawn, this Misc. Case has become infructuous.

Accordingly, this Misc. Case No. 393 of 2013 is dismissed as infructuous.

CHIEF JUSTICE

S.Rynjah

MC[WP(C)] No. 350 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

None present for the petitioner even in the revised call.

Shri.R.Deb Nath, CGC, present for the respondent No.1.

Shri V.G.K.Kynta, Sr. Advocate, present for respondents No. 2, 3 and 4.

Shri. N.D.Chullai,Sr. Govt. Advocate, present for the respondents No. 5 and 6.

The Misc. case No. 350 of 2013 is dismissed for non-prosecution.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 319 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

None present for the petitioner even in the revised call.

Shri.R.Deb Nath, CGC, present for the respondent No.1.

Shri V.G.K.Kynta, Sr. Advocate, present for respondents No. 2, 3 and 4.

Shri. N.D.Chullai,Sr. Govt. Advocate, present for the respondents No. 5 and 6.

The writ petition is dismissed for non-prosecution.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 363 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.P.N.Nongbri, Advocate, present for the petitioner.

Shri. N.D.Chullai, Sr. Govt. Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed to withdraw this writ petition.

Accordingly, this writ petition is dismissed as withdrawn.

CHIEF JUSTICE

S.Rynjah

WP(C) No. 372 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri.Ranbir Kumar, petitioner, present in person.

Shri. S.C.Shyam,Sr. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List this case after 4(four) weeks.

CHIEF JUSTICE

S.Rynjah

Crl MC No. 69 of 2013
IN Crl A No. 14 of 2010

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri BK Deb Roy, Advocate, present for appellant/applicant.

Shri VK Jindal, Sr. Advocate, assisted by Shri S Dey, Advocate, present for respondent.

This application (Crl. MC No. 69 of 2013) has been moved for issuance of certificate to appeal before the Supreme Court.

The judgment and order dated 12.11.2013 appears to have been passed by Hon'ble Mr Justice T. Nandakumar Singh in Crl Appeal No. 8 of 2010, Crl Appeal No. 10 of 2010, Crl Appeal No. 12 of 2010, Crl Appeal No. 13 of 2010 and Crl Appeal No. 14 of 2010.

List tomorrow (17.12.2013) before the appropriate Bench.

CHIEF JUSTICE

dev
16.12.13

Crl Revn P No. 68 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the revisionist.

Shri ND Chullai, Sr. GA, present for the respondents.

Learned counsel for the respondents prays for and is allowed further one week's time to file counter affidavit.

List thereafter.

CHIEF JUSTICE

dev
16.12.13

Crl Revn Petn No. 69 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri SP Mahanta, Advocate, present for the revisionist.

Shri ND Chullai, Sr. GA, present for the respondents.

Heard.

This revision is directed against the order dated 22.10.2013, passed by the Fast Track Court, West Garo Hills, Tura, whereby, in GR No.(W) 233 of 2012, relating to offence punishable under Section 376(2)(g) IPC (State vs. Laston Marak and 6 others), the application of the accused claiming juvenility has been rejected.

Sixteen accused said to have committed gang rape on the victim. Out of sixteen, nine have already been declared juvenile, rest are facing trial, and the trial appears to be at the stage of conclusion. The impugned order shows that out of remaining seven accused who are facing trial before the Fast Track Court, four accused have now claimed juvenility. It is argued on behalf of the learned counsel for the revisionist that the Fast Track Court has not examined the issue in the light of order dated 30.07.2013 passed by this Court in Criminal Revision Petition No. (SH)49 of 2013.

However, on going through the impugned order, this Court finds that the trial Judge has applied his mind and given a finding of fact rejecting the plea of juvenility of the accused (including that of the revisionist).

Considering the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order passed by the Fast Track Court, West Garo Hills, Tura in the abovementioned case i.e. GR No. (W) 233 of 2012. Therefore, without prejudice to the rights of the parties, and without giving any opinion as to the final merits of the case, this revision is dismissed summarily.

CHIEF JUSTICE

dev
16.12.13

WP(Crl) No. 11 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri SP Mahanta, Advocate, present for the petitioner.

Shri ODV Ladia, Advocate, present for respondents No. 4 to 7.

Learned counsel for respondents No. 4 to 7 states that the child is living with respondent No. 4 (who is the father of the child). He prays for and is allowed further three weeks' time to file counter affidavit.

List after three weeks.

CHIEF JUSTICE

dev
16.12.13

WP(C) No. 283 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Ms QB Lamare, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

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

List after four weeks.

CHIEF JUSTICE

dev
16.12.13

WP(C) No. 352 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Ms L Khiangte, Advocate, present for the petitioner.

Smti T Yangi, Advocate, present for the respondents.

Learned counsel for the parties state that after this writ petition was filed, vehicle in question has been directed to be released provisionally by the respondent authorities on certain conditions, at the request of the writ petitioner.

In the above circumstances, this writ petition has become infructuous. Accordingly, this writ petition is dismissed as infructuous.

CHIEF JUSTICE

dev
16.12.13

WP(C) No. 371 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri MF Qureshi, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

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

List after four weeks.

CHIEF JUSTICE

dev
16.12.13

WP(C) No. 374 of 2013

16.12.2013

HON'BLE THE CHIEF JUSTICE

Shri R Kar, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

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

List after four weeks.

CHIEF JUSTICE

dev
16.12.13