

WP(C). No. 78 of 2014

17.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. SG Momin, Advocate, present for the petitioner.

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

Learned counsel for the respondents prays for and is allowed further 2(two) weeks' time to file the counter affidavit.

List on 5-5-2014. Interim order dated 19-3-2014 is extended till the next date of listing.

CHIEF JUSTICE

dev

WP(C). No. 79 of 2014

17.4.2014

HON'BLE THE CHIEF JUSTICE

Ms. SG Momin, Advocate, present for the petitioner.

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

Learned counsel for the respondents prays for and is allowed further 2(two) weeks' time to file the counter affidavit.

List on 5-5-2014. Interim order dated 19-3-2014 is extended till the next date of listing.

CHIEF JUSTICE

dev

WP(C). No. 93 of 2013

17.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. HL Shangreiso, Advocate, present for the petitioner.

Mrs. NG Shylla, Govt. Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file the rejoinder affidavit.

List after 2(two) weeks.

CHIEF JUSTICE

dev

WP(C). No. 133 of 2014

17.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. HS Thangkhiew, Sr. Advocate, present for the petitioner.

Ms. PS Nongbri, Advocate, present for the respondents.

Affidavit-in-opposition has been filed on behalf of respondents No. 1, 2 and 3. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 10 (ten) days' time to file the rejoinder affidavit.

List after 10(ten) days. Interim order dated 7-4-2014 is extended till the next date of listing.

CHIEF JUSTICE

dev

WP(C). No. 137 of 2014

17.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. S.Sen, Advocate, present for the petitioner.

Ms. PS Nongbri, Advocate, present for the respondents-KHADC.

Affidavit-in-opposition has been filed on behalf of respondents No. 1 to 4. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 10 (ten) days' time to file the rejoinder affidavit.

List after 10(ten) days. Interim order dated 7-4-2014 is extended till the next date of listing.

CHIEF JUSTICE

dev

WP(C). No. 138 of 2014

17.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. S.Sen, Advocate, present for the petitioner.

Ms. PS Nongbri, Advocate, present for the respondents-KHADC.

Affidavit-in-opposition has been filed on behalf of respondents No. 1 to 4. Same be taken on record.

Learned counsel for the petitioner prays for and is allowed 10 (ten) days' time to file the rejoinder affidavit.

List after 10(ten) days.

CHIEF JUSTICE

dev

17.04.2014

HON'BLE THE CHIEF JUSTICE

Shri HL Shangreiso, Advocate, present for the petitioner.

Shri H Kharmih, Advocate, present for the respondents.

Heard.

By means of this writ petition, the petitioner has challenged the estimate prepared by the Meghalaya Power Corporation regarding the work done by the petitioner (a contractor) in respect of work "Earth cutting and filling of proposed road from Ganol Dam site barrack to proposed Dam site steel bridge. Length of the road (Ch.135.00-285.00m)".

Learned counsel for the petitioner submitted that vide letter dated 27.08.2009 (Annexure B to the writ petition), the respondent authorities temporarily suspended the work on the ground of non-availability of the explosives, and the work could be resumed only after the respondents vide their letter dated 04.11.2011 (copy Annexure E to the writ petition) directed to resume the work. As such, it is pleaded that the estimate based on the original tender amount, is erroneous.

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

List after four weeks. Meanwhile, the petitioner is allowed to make representation to the respondent authorities concerned regarding the revised estimate of work done for their consideration.

CHIEF JUSTICE

dev
17.04.14

WP(C). No. 272 of 2013

17.4.2014

HON'BLE THE CHIEF JUSTICE

Mr. R. Gurung, Advocate, present for the petitioner.

Mr. SP Mahanta, Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed further 2(two) weeks' time to file the rejoinder affidavit.

List after 2(two) weeks.

CHIEF JUSTICE

dev

THE HIGH COURT OF MEGHALAYA

Criminal Petn. No. 3 of 2014

Shri Naveen Kumar Rai, s/o Shri Nebalal Rai, r/o MES,
DM Line, Shillong, East Khasi Hills District, Meghalaya.

..... **Petitioner**

-Versus-

State of Meghalaya

..... **Respondent**

Shri MF Qureshi, Advocate, present for the petitioner.

Shri H Kharmih, Advocate, present for respondent.

Date of Order 17th April, 2014

ORDER

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. By means of this criminal petition filed under Section 482 Code of Criminal Procedure, 1973 the petitioner has prayed that the order dated 27.02.2014 passed by the Chief Judicial Magistrate First Class, Shillong in CR Case No. 301 (S) 2013 refusing to direct to the authority concerned to register the date of birth of the petitioner, be quashed.

3. Learned counsel for the petitioner drew attention of this Court to Annexure III-a, which is a copy of certificate issued by the Meghalaya Board of School Education, wherein, the date of birth of the petitioner Naveen Kumar Rai is shown as 08.02.1995. Attention of this Court is further drawn to the copy of the Ration Card (Annexure III-d) which is dated 04.06.1993 shows that at that stage, the petitioner was not shown as member of the family of his parents (as he was not born by then). Not only this, copy of the Voters Identity Card is annexed with the petition showing that the petitioner Naveen Kumar Rai was issued Voters Identity Card vide Electoral Registration Officer, Shillong on 17.01.2014, as he had attained age of eighteen years in 2013.

4. It is argued on behalf of the petitioner that the Magistrate instead of discussing the above mentioned documentary evidence, has simply rejected the application of the petitioner on the ground of some discrepancies between the oral statements of witnesses namely, Nagina Devi and Poonam Devi.

5. Having heard learned counsel for the petitioner and learned counsel for the State and after going through the

papers on record, this Court is of the view that to secure the ends of justice, it is necessary to direct the Magistrate to consider the abovementioned documentary evidence before disposing of the application moved by the petitioner regarding registration of date of birth.

6. Accordingly, this criminal petition is allowed. The impugned order dated 27.02.2014, passed by the Judicial Magistrate First Class, Shillong (Smti RM Kharsyntiew) is quashed with a direction that the Magistrate shall dispose of the application registered as CR Case No. 301(S) 2013 afresh after considering the documentary evidence as mentioned above, along with oral evidence adduced by the parties.

(Prafulla C Pant)
CHIEF JUSTICE

dev
17.04.14

THE HIGH COURT OF MEGHALAYA

Anticipatory Bail Appn. No. 7 of 2014

1. Shri Uttam D Sangma, s/o Shri Sukendra R Marak, r/o Village Jarangkona, PO: Purakhasia, PS : Dalu, South West Garo Hills District, Meghalaya.

2. Shri Milseng Ch. Marak, s/o Shri Nipendro D Shira, r/o Village Jarangkona, PO: Purakhasia, PS : Dalu, South West Garo Hills District, Meghalaya.

..... **Applicants**

-Versus-

State of Meghalaya, represented by Commissioner & Secretary to the Government of Meghalaya, (Home) Police.

..... **Respondent**

Ms SG Momin, Advocate, present for the applicants

Shri H Kharmih, Advocate, present for respondent.

Date of Order 17th April, 2014

ORDER

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. By means of this application, the applicants Uttam D Sangma and Milseng Ch. Marak have sought anticipatory bail in connection with Dalu PS Case No. 32(12) of 2013 relating to offence punishable under Section 384 read with Section 34 IPC.

3. From the First Information Report, it appears that one Apran K Sangma was apprehended by the police red handed while extorting money from the vehicles passing through the road and receipts were being issued for collection of VAT. It is alleged by the informant Police Inspector PB Marak that the accused Apran K Sangma could not show any authority to collect money in the name of VAT from the members of public. On interrogation, it was disclosed that a group of youths including the present applicants Uttam D Sangma and Milseng Ch. Marak was involved in the extortion of money in the manner as above.

4. Learned counsel for the applicants submitted that the co-accused Apran K Sangma has already been directed to be released on bail by the Chief Judicial Magistrate, Tura. It is further pleaded that the applicants are falsely implicated in the case.

5. Having heard the learned counsel for the applicants and learned counsel for the State, this Court is of the view that in the facts and circumstances as above, it is not a fit case for granting anticipatory bail.

6. Therefore, the anticipatory bail application is rejected with the observation that the applicants Uttam D Sangma and Milseng Ch. Marak if surrender before the Court concerned, in view of the fact that the co-accused has been granted bail, their bail application shall be heard and disposed of without unreasonable delay.

(Prafulla C Pant)
CHIEF JUSTICE

dev
17.04.14

THE HIGH COURT OF MEGHALAYA

Bail Appn. No. 14 of 2014

Smti Phewmon Nongkhlaw, wife of Shri Bingdon Syiemlieh, resident of Myllem, 11th Mile, PO Nonglyer, East Khasi Hills District, Meghalaya.

..... **Applicant**

-Versus-

State of Meghalaya, through the Public Prosecutor, The High Court of Meghalaya, at Shillong.

..... **Respondent**

Shri S Chakraborty, Advocate, present for the applicant.

Shri H Kharmih, Advocate, present for respondent.

Date of Order 17th April, 2014

ORDER

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. By means of this application, the applicant has sought bail of the accused Bingdon Syiemlieh who is arrested in connection with Pynursla PS Case No. 01(01) of 2014 relating to offence punishable under Section 409 IPC.

3. Brief facts of the case are that the co-accused Bingdon Syiemlieh was working as Clerk-cum-Cashier with Meghalaya Rural Bank, and it is alleged that in the

year 2006-2007, he criminally misappropriated the money of some of the account holders.

4. Learned counsel for the applicant submitted that the FIR has been lodged after a period of six years. It is further pointed out that it is not the case where the offence came to light after a period of six years, rather disciplinary enquiries were initiated against the writ petitioner and he was dismissed from service in the year 2008. It is further submitted that the writ petitioner challenged the order of dismissal by filing WP(C)No. 56 (SH) 2009 and vide order dated 17.12.2012, the order of dismissal was set aside by this Court leaving it open to the employer of the accused to proceed against him in accordance with law laid down in *Managing Director, ECIL Ltd. vs. Karunakar*, (1993) 4 SCC 727.

5. Having heard the learned counsel for the parties and after going through the papers on record, without expressing any opinion as to the final merits of the case, this Court is of the view that the accused Bingdon Syiemlieh deserves bail.

6. Accordingly, the bail application is allowed. Let the accused Bingdon Syiemlieh be released on bail in connection with Pynursla PS Case No. 01(01) of 2014 relating to offence punishable under Section 409 IPC on executing personal bond with two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, East Khasi Hills, Shillong.

(Prafulla C Pant)
CHIEF JUSTICE

dev
17.04.14