

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Petn.(SH) No. 23 of 2012**

18.04.13

None appears for both the parties.

List this matter in the usual course of time.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB(SH) No. 37 of 2013**

18.04.13

Heard Ms. P Bhattacharjee, the learned counsel for the petitioner as well as Mr. S Sen Gupta, the learned Addl. PP.

Bail application will be considered after perusal of CD.

Call for CD.

In the meantime, in the event of arrest the petitioner shall be released on bail for a sum of Rs. 30,000/- with one surety of the like amount on the following conditions.

- i) She shall not interfere with the investigation or tamper with any evidence.
- ii) She shall not indulge in any kind of activities which may endanger to peace and harmony in the locality.

List this matter on 25.04.13 for CD and for consideration of bail application.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB(SH) No. 38 of 2013**

18.04.13

Heard Mr. R. Kar, the learned counsel for the petitioners.

Bail application will be considered after perusal of CD.

Call for CD.

However, I am not inclined to pass an interim bail order considering the gravity of the offence as indicated in the application to which the learned counsel for the petition has no objection.

List this matter on 25.04.13 for CD and hearing.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Petn.(SH) No. 31 of 2013

18.04.13

Heard Mr. R. Kar, the learned counsel for the petitioners as well as Mr. K. Khan, the learned Addl. senior PP.

Call for record.

List this matter on 2.05.13 for Lower Court case record and hearing.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. MC(SH) No. 57 of 2012

18.04.13

Heard Mr. K Paul, the learned counsel for the petitioner. Also heard Mr. K. Khan, the learned Addl. senior PP as well as Mr. R. Jha, the learned counsel for respondent.

Call for CD.

Mr. R. Jha, the learned counsel for respondent sought for 2(two) weeks' time for filing of counter affidavit.

Prayer is allowed.

List this matter on 2.05.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Rev.P.(SH) No. 67 of 2012

18.04.13

Heard Mr. K Paul, the learned counsel for the petitioner who submits that due some unavoidable circumstances, he could not take any steps to serve fresh notice upon the respondent No. 2. The learned counsel further prayed that, he may be allowed to serve notice upon the respondent No. 2 by way of dasti service.

Prayer is allowed.

Mr. R. Gurung, the learned PP is present.

List this matter on 2.05.13. Till the next date, the interim stay passed vide order dated 7.12.12 shall continue.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Rev.P.(SH) No. 68 of 2012

18.04.13

Heard Mr. K Paul, the learned counsel for the petitioner who submits that due some unavoidable circumstances, he could not take any steps to serve fresh notice upon the respondent No. 2. The learned counsel further prayed that, he may be allowed to serve notice upon the respondent No. 2 by way of dasti service.

Prayer is allowed.

Mr. R. Gurung, the learned PP is present.

List this matter on 2.05.13. Till the next date, the interim stay passed vide order dated 7.12.12 shall continue.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Rev.P.(SH) No. 69 of 2012

18.04.13

Heard Mr. K Paul, the learned counsel for the petitioner who submits that due some unavoidable circumstances, he could not take any steps to serve fresh notice upon the respondent No. 2. The learned counsel further prayed that, he may be allowed to serve notice upon the respondent No. 2 by way of dasti service.

Prayer is allowed.

Mr. R. Gurung, the learned PP is present.

List this matter on 2.05.13. Till the next date, the interim stay passed vide order dated 7.12.12 shall continue.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Petn. (SH) No. 23 of 2013

18.04.13

Heard Mr. H Kharmih, the learned counsel for the petitioner as well as Mr. R. Gurung, the learned Addl. PP.

Mr. K. Garod, the learned counsel appearing on behalf of respondent No. 3 submits that the matter may be fixed for hearing after 2(two) weeks.

Prayer is allowed.

List this matter on 2.05.13.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn. P. (SH) No. 29 of 2013

18.04.13

Heard Mr. N. Khan, the learned counsel for the petitioner who submits that the accused Vincent T Sangma is a student of Class-XII studying in Bissau College, he was arrested by the police without any rhyme or reason on 20.01.13. He was in police custody and judicial custody for 44 days and was released on interim bail to facilitate him to appear for the examination. Thereafter, bail application was further moved for regularization of interim bail which was rejected vide order dated 8.04.13 passed by learned Chief Judicial Magistrate, Shillong. Hence, approached this Court.

Also heard Mr. R. Gurung, the learned Addl. PP who submits that if bail is at all considered, some conditions may be imposed so that investigation will not be hampered.

Mrs. S. Shadap, IO is present and Lower Court case record received.

I have perused the impugned order dated 8.04.13 as well as Lower Court case records placed before me, it is apparent that the accused/petitioner was initially arrested and was in custody for 44 days. The IO concerned has submitted that during that period of 44 days, the accused/petitioner was in police custody for 10 days and in judicial custody for 34 days. If it is so, I am of the considered view that the police have got sufficient opportunity for interrogation and investigation of the case. Therefore, I do not find any reason that further custody of the accused/petitioner is needed for the purpose of investigation and also I do not see any reason why he should not be allowed to remain on bail.

Accordingly, the accused/petitioner is allowed to go on bail with a sum of Rs. 50,000/- and one surety of the like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Shillong on the following conditions.

- i) The accused/petitioner shall appear before the IO concerned continuously for 1(one) week for the purpose of investigation and he shall not interfere with the investigation or tamper any evidence.
- ii) The accused/petitioner shall have to appear before the IO concerned thrice in a week for another 2(two) weeks and

thereafter as and when necessary for the purpose of investigation.

iii) The accused/petitioner shall cooperate with the investigating authority and he shall not leave the jurisdiction of the Court of the Chief Judicial Magistrate, Shillong without prior permission.

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

Registry is directed to send down back the LCR to the concerned Court.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. Revn. P. (SH) No. 25 of 2012

18.04.13

Heard Mr. ODV Ladia, the learned counsel for the petitioner who submits that without any compromise or without hearing, the Deputy Commissioner, Jowai passed order dated 22.03.12 in proceeding in CT Case No. 13 of 1999 under Section 145 CrPC. The learned counsel further contended that there was a process to compromise but no compromise has been arrived at between the parties in spite of the fact that the Deputy Commissioner has dismissed the proceeding. Being aggrieved by the said impugned order, the petitioner approached this Court.

Also heard Mr. HS Thangkhiew the learned senior counsel who submits that there was a compromise between the parties and they have settled in a meeting dated 30.11.11 and also draws the attention of the Court to Annexure-II (Page-18), therefore, there is nothing wrong in the order dated 22.03.12.

I have perused the impugned order in question and also perused the Minutes dated 30.11.11. On perusal of the said Minutes, it appears that both the parties are to prepare the settlement agreement for withdrawal of the case and also there are some conditions as found in conditions No. 1,2,3 & 4. But the impugned order dated 22.03.12 silent about agreement for withdrawal been filed before the learned Deputy Commissioner, Jowai. Therefore, I am of the considered view that before disposing of the case, the learned Deputy Commissioner, Jowai should have taken into consideration the Minutes referred to above or heard all the parties before arriving at a proper conclusion. Hence, I find that, it is a fit case to be remand back to the concerned Court for proper conclusion in accordance with law after hearing both the parties.

Accordingly, the impugned dated 22.03.12 is hereby set aside and both the parties are directed to maintain peace and harmony in the locality.

Registry is directed to send down back the Lower Court case record to the Court concerned along with copy of this order.

JUDGE

V. Lyndem