

BA No.1 of 2014

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri S Wahalang, Advocate, present for the applicant.

Shri ND Chullai, Senior GA, present for the State respondents.

By means of this application, the applicant Margret Kharsohnoh has sought bail of her son **Bankerlang Kharsohnoh** who is in jail in connection with Tura Women Police Station (WPS) Case No. 1(1) of 2014 which was initially registered relating to offences punishable under Section 354/34 IPC and later converted to Section 376 IPC and under Section 9/10 of Protection of Children from Sexual Offences Act, 2012 (POCSO).

Heard.

Learned counsel for the applicant submitted that the accused Bankerlang Kharsohnoh is a Sub-Inspector of Police. It is further submitted that on 28.12.2013 in discharge of his duties he along with other two police personnel intercepted an Auto Rickshaw on suspicion of insurgency activities. The complainant (victim) and her uncle Sengchon Marak was detained for sometime. It is further submitted that after four days the victim lodged First Information Report alleging that she was assaulted by the policemen. There is no allegation in the FIR relating to commission of rape. Her statement recorded under Section 164 CrPC also does not disclose commission of rape. It is contended that the accused Bankerlang Kharsohnoh has committed no offence.

Having perused the paper and record and after considering the rival submissions of the parties, without expressing any opinion as to the final merits of

the case, this Court is of the view that the accused Bankerlang Kharsohnoh deserves bail.

Therefore, the bail application is allowed. The aforesaid accused **Bankerlang Kharsohnoh** shall be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge, Tura.

CHIEF JUSTICE

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21.02.14

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri S Wahalang, Advocate, present for the applicant.

Shri ND Chullai, Senior GA, present for the State respondents.

By means of this application, the applicant Martina Nebi Chyne has sought bail of her son **Sylvester Chyne** who is in jail in connection with Tura Women Police Station (WPS) Case No. 1(1) of 2014 which was initially registered relating to offences punishable under Section 354/34 IPC and later converted to Section 376 IPC and under Section 9/10 of Protection of Children from Sexual Offences Act, 2012 (POCSO).

Heard.

Learned counsel for the applicant submitted that the accused **Sylvester Chyne** is a Sub-Inspector of Police. It is further submitted that on 28.12.2013 in discharge of his duties he along with other two police personnel intercepted an Auto Rickshaw on suspicion of insurgency activities. The complainant (victim) and her uncle Sengchon Marak was detained for sometime. It is further submitted that after four days the victim lodged First Information Report alleging that she was assaulted by the policemen. There is no allegation in the FIR relating to commission of rape. Her statement recorded under Section 164 CrPC also does not disclose commission of rape. It is contended that the accused Sylvester Chyne has committed no offence.

Having perused the paper and record and after considering the rival submissions of the parties, without expressing any opinion as to the final merits of

the case, this Court is of the view that the accused Sylvester Chyne deserves bail.

Therefore, the bail application is allowed. The aforesaid accused **Sylvester Chyne** shall be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge, Tura.

CHIEF JUSTICE

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21.02.14

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri S Wahalang, Advocate, present for the applicant.

Shri ND Chullai, Senior GA, present for the State respondents.

By means of this application, the applicant Helintimon S Nongrum has sought bail of her son **Ronald L.S. Nongrum** who is in jail in connection with Tura Women Police Station (WPS) Case No. 1(1) of 2014 which was initially registered relating to offences punishable under Section 354/34 IPC and later converted to Section 376 IPC and under Section 9/10 of Protection of Children from Sexual Offences Act, 2012 (POCSO).

Heard.

Learned counsel for the applicant submitted that the accused Ronald L.S. Nongrum is a Sub-Inspector of Police. It is further submitted that on 28.12.2013 in discharge of his duties he along with other two police personnel intercepted an Auto Rickshaw on suspicion of insurgency activities. The complainant (victim) and her uncle Sengchon Marak was detained for sometime. It is further submitted that after four days the victim lodged First Information Report alleging that she was assaulted by the policemen. There is no allegation in the FIR relating to commission of rape. Her statement recorded under Section 164 CrPC also does not disclose commission of rape. It is contended that the accused Ronald L.S. Nongrum has committed no offence.

Having perused the paper and record and after considering the rival submissions of the parties, without expressing any opinion as to the final merits of

the case, this Court is of the view that the accused Ronald L.S. Nongrum deserves bail.

Therefore, the bail application is allowed. The aforesaid accused **Ronald L.S. Nongrum** shall be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge, Tura.

CHIEF JUSTICE

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21.02.14

Cont Cas(C) No.1 of 2014

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri R Jha, Advocate, present for the petitioner.

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

Learned counsel for the respondents states that he wants to seek instruction.

List on 25.02.2014.

CHIEF JUSTICE

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21.02.14

Crl Appeal No.10 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri JM Thangkhiew, counsel for the appellant. List this appeal for final hearing on 11.03.2014.

CHIEF JUSTICE

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21.02.14

Crl MC No.68 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with Crl. Appeal No.
10 of 2013 on 11.03.2014.

CHIEF JUSTICE

dev
21.02.14

Crl Petn No.42 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri PN Nongbri,
counsel for the petitioner. List on 27.02.2014 for
hearing.

CHIEF JUSTICE

dev
21.02.14

Crl Petn No.43 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri PN Nongbri,
counsel for the petitioner. List on 27.02.2014 for
hearing.

CHIEF JUSTICE

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21.02.14

Crl Petn No.44 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri PN Nongbri,
counsel for the petitioner. List on 27.02.2014 for
hearing.

CHIEF JUSTICE

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21.02.14

MC No. 426 of 2013
IN WP(C) No.319 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri R Jha, Advocate, present for the applicant.

Shri R Deb Nath, CGC, present for the respondents Union of India.

Shri VGK Kynta, Senior Advocate, present for respondents No. 2,3 and 4.

Shri ND Chullai, Senior GA, present for the State respondents.

Heard.

By means of this application, the applicant has sought restoration of WP(C)No. 319 of 2013 which was dismissed for non prosecution on 16.12.2013.

Respondents have not opposed the application. The application is within time. The ground for absence is sufficiently explained in the application supported by affidavit.

Therefore, the application for restoration of WP(C)No. 319 of 2013 is allowed. The writ petition stands restored to its original number.

Misc. Case No. 426 of 2013 stands disposed of.

CHIEF JUSTICE

dev
21.02.14

MC(WP(Crl)) No. 1 of 2014
IN WP(Crl) No.1 of 2014

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri PN Nongbri, Advocate, present for the applicant.

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

Heard.

By means of this application, the applicant has sought impleadment of respondent No. 4 Nightstarland Mawlong in WP(Crl) No. 1 of 2014.

The impleadment appears to have been sought in compliance with this Court's order dated 14.02.2014 passed in WP(Crl) No. 1 of 2014.

Therefore, the application for impleadment of respondent No. 4 Nightstarland Mawlong is allowed and said party may be impleaded as respondent No. 4 in the aforesaid writ petition.

Misc. Case (WP(Crl)) No. 1 of 2014 stands disposed of.

CHIEF JUSTICE

dev
21.02.14

MC No. 409 of 2013
IN WP(C) No.377 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 377 of
2013.

CHIEF JUSTICE

dev
21.02.14

Test Case No.1 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri B Laitmon, Advocate, present for the petitioner.

Shri M Shangpliang, Advocate, present for the respondents No. 1 and 2.

In this Testamentary Case, notices have been published in newspaper. No objection filed except affidavit-in-opposition filed by the impleaded respondents No. 1 and 2. In reply to their counter affidavit, rejoinder affidavit is stated to have been filed in the Registry.

List this case for final hearing on 05.03.2014.

CHIEF JUSTICE

dev
21.02.14

WP(CrI) No. 1 of 2014

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri PN Nongbri, Advocate, present for the petitioner.

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

List this matter on 25.02.2014 for orders.

CHIEF JUSTICE

dev
21.02.14

WP(C)No.157 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri K Sunar,
counsel for the petitioner. List after two weeks, before
application Bench, for hearing.

CHIEF JUSTICE

dev
21.02.14

WP(C)No.319 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in MC No. 426 of 2013, this writ petition is restored to file.

List after two weeks.

CHIEF JUSTICE

dev
21.02.14

WP(C) No.377 of 2013

21.02.2014

HON'BLE THE CHIEF JUSTICE

Shri B Laitmon, Advocate, present for the petitioner.

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

Heard.

Admit the petition.

Notice has been served sufficiently on respondent No. 4 (wife of the writ petitioner). But no affidavit-in-opposition has been filed.

The dispute between the petitioner and the respondent No. 4 is basically a matrimonial dispute. In the present petition, the authority of the State Women Commission has been challenged alleging that the said authority had no power to force the petitioner to pay Rs. 4,000/- per month as maintenance to his wife and children.

List this petition for final hearing in due course, before the appropriate Bench.

CHIEF JUSTICE

dev
21.02.14

WP(C) No. 180/2013

HON'BLE THE CHIEF JUSTICE

21.2.2014

Shri. H.L.Shangreiso, Advocate, present for the petitioner.

Shri. S.Dey, Advocate, present for the respondents No. 1 - 4.

Learned counsel for the respondent No.1 - 4 prays for and is allowed further 2 (two) weeks' time to file counter affidavit.

List after 2 (two) weeks.

CHIEF JUSTICE

Sylvana

WP(C) No. 182/2013

HON'BLE THE CHIEF JUSTICE

21.2.2014

Smt. S.Bhattacharjee, Advocate, present for the petitioner.

Shri. A.H.Hazarika, Advocate, present for the respondents.

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

List after 2 (two) weeks.

CHIEF JUSTICE

Sylvana

WP(C) No. 272/2013

HON'BLE THE CHIEF JUSTICE

21.2.2014

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

Shri. S.P.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

Sylvana

WP(C) No. 289/2013

HON'BLE THE CHIEF JUSTICE

21.2.2014

Shri. K.Sunar, Advocate, present for the petitioners.

Shri. S.Sen Gupta, Advocate, present for the respondents No. 1 - 3.

Shri. H.Kharmih, Advocate, present for respondents No. 4 – 7.

Learned counsel for respondents No. 1, 2 and 3 prays for and is allowed further 4 (four) weeks' time to file counter affidavit.

List after 4 (four) weeks. Meanwhile, the petitioners are allowed to file their rejoinder affidavit to the counter affidavit filed on behalf of respondents No. 4 – 7.

CHIEF JUSTICE

Sylvana

WP(C) No. 362/2013

HON'BLE THE CHIEF JUSTICE

21.2.2014

Shri. B.K.Deb Roy, Advocate, present for the petitioners.

Shri. P.Nongbri, Advocate, present for the respondent No. 5.

Learned counsel for the respondent No. 5 prays for and is allowed further 3 (three) weeks' time to file counter affidavit.

List after 3 (three) weeks.

CHIEF JUSTICE

Sylvana