

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
AB. No. 20 of 2014

21.10.2014

Mr. G.S. Massar, learned Sr. counsel, Mr. N.D. Chullai, learned Sr. GA, Mr. B.B. Narzary, learned counsel appearing for the Khasi Hills Autonomous District Council, Mr. S. Dey, learned counsel appearing for the Garo Hills Autonomous District Council, Mr. H.S. Thangkhiew, learned Sr. counsel assisted by Mr. P.N. Nongbri, learned counsel appearing for Jaintia Hills Autonomous District Council, Ms. P.S. Nongbri, learned counsel as well as Mr. P.K. Borah, learned counsel appearing for the petitioner are present.

As suggested by the learned counsel for the parties, list this matter on *04.11.2014*.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
AB. No. 37 of 2014

21.10.2014

Heard Mr. A.S. Siddique, learned counsel appearing for and on behalf of the petitioner, who submits that interim bail was granted to the accused and subsequently, rejected by the learned Sessions Judge, Shillong on the ground that he failed to comply with the conditions passed in the order to appear before the I/O. The learned counsel also further submitted that it was not the fault of the accused as the I/O was on leave. So, he filed an application to the concerned police station which was received, but subsequently he was not called to appear and the I/O informed that the accused did not co-operate with the I/O as a result, the learned Sessions Judge, Shillong passed the interim order. Hence, this bail application.

Mr. R. Gurung, learned State counsel appeared along with the I/O and produced the C.D as directed by this court vide order dated 20.10.2014 and submitted that he was never been on leave and also further submitted that he has received a copy of the representation from the accused by himself along with his phone number to call him at any time. The I/O also further informed this court that inspite of his effort to call him, he did not find him. Accordingly, he informed the court of the learned Sessions Judge, Shillong.

Considering the rival submissions made by the learned counsel for the parties and also the verbal information given by the I/O, I am not inclined to consider this bail application as the bail application when moved, initially it was informed that the I/O was on leave, but the I/O himself vehemently says that he was never on leave. Hence, the bail application is rejected with a cost of Rs. 2000/- (Rupees two thousand) only for giving misleading information to the court. Let the petitioner/accused pay the cost of Rs. 2000/- to the Registry and the Registry in turn will deposit this amount to the Director of Social Welfare, Government of Meghalaya, Shillong for the development and benefit of the Juvenile Home.

Accordingly, the matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
CRL.PETN. No. 28 of 2014

21.10.2014

List this matter on *22.10.2014* as Mr. B.M.R. Chyne, learned counsel appearing for the petitioners is not prepared.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
CRP. No. 15 of 2014

21.10.2014

As prayed for by Mr. B.K. Deb Roy, learned counsel appearing for the petitioner, list this matter after 3(three) weeks.

Mr. B. Bhattacharjee, learned counsel appearing for the respondents is also present.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
MC[REVIEW PET.] No. 10 of 2014

21.10.2014

In the light of the order passed in *REVIEW PET No. 14 of 2014*,
this Misc. Case also stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
REVIEW PET. No. 14 of 2014

21.10.2014

Heard Mr. P. Dey, learned counsel appearing for the petitioner, who prays that he may be allowed to withdraw this instant review petition. Before allowing withdrawing of this review petition, I would like to mention here that the judgment and order dated 26.11.2013 in WP(C) No. 44 of 2013 was passed in presence of both the parties and was a consent order. It is also mentioned that though the petitioner was not entitled for the pension on humanitarian ground, it was considered by this court to which the respondents also consented. So, it was a consent order. For easy reference Para 13 of the judgment and order dated 26.11.2013 is quoted hereunder:

“13. It is also to be mentioned here that, this judgment and order will not be as a precedent in future cases or in any other cases since this judgment and order has been passed considering as an exceptional case”.

Now, the question comes whether there is any point left to review the matter. I find there is nothing left in this order as it was a consent order. However, since the petitioner wants to withdraw, he is allowed to withdraw the petition with a cost of Rs. 5000/- (Rupees five thousand) only for unnecessarily taking the time of the court. The said amount to be deposited with the Registry and the Registry in turn will deposit the amount to the Director of Social Welfare, Government of Meghalaya, Shillong for the improvement and development of the Juvenile Home. Let the payment be made within 1(one) month as prayed by the learned counsel appearing for the petitioner.

Mr. P.N. Nongbri, learned GA is present.

With this observation and direction, the review petition stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE, S.R. SEN
REVIEW PET. No. 16 of 2014

21.10.2014

Heard Mr. Ranbir Kumar, learned petitioner appearing in person.

Seen the review petition filed before this court to reconsider the order dated 30.09.2014 passed by this court. Para 4 and 5 of the order dated 30.09.2014 are quoted herein below:

"The petitioner further submitted that, there are certain averments made that this court has not taken into consideration. If it is so, I am of the considered view that, the petitioner should have filed review petition before the concerned court or otherwise to move for an appeal before a Division Bench.

Therefore, I am not in a position to alter or modify the judgment and order dated 10.06.2014 passed by this court in WP(C) No. 372 of 2013. Accordingly, this instant petition is disposed of and the petitioner is at liberty to file a review petition or appeal, if he desires to do so".

Also heard Mr. H.L. Shangreiso, learned counsel appearing for the respondent.

After hearing the submissions advanced by the learned petitioner appearing in person as well as Mr. H.L. Shangreiso, learned counsel appearing for the respondent and on perusal of the order dated 30.09.2014, I did not find any reason to review the order any further. It is a fact that the original order was passed on merit by a Single Bench of this court where I was not a Judge. So, if any review be done on the order dated 10.06.2014 passed in WP(C) No. 372 of 2013, it is the concerned court to pass the order.

I have also find and observed that the learned petitioner appearing in person changing his submissions on every date fixed and trying to blame the court which amounts to contempt as well as misleading the court. However, since he is appearing in person, I do not want to draw any contempt however, I put a cost of Rs. 500/- (Rupees five hundred) only for unnecessarily taking the time of the court and misleading the court. The said amount to be deposited with the Registry and the Registry in turn will deposit the amount to the Director of Social

Welfare, Government of Meghalaya, Shillong for the improvement and development of the Juvenile Home.

With this observation and direction, the matter stands disposed of.

JUDGE

D. Nary