

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cr1.Petn (SH) No. 23 of 2012

28.05.13

Judgment & Order delivered today, the 28.05.13 in
open Court.

Judgment consists of 3 pages.

The matter stands disposed of.

JUDGE

V. Lyndem.

**BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn.P. (SH) No. 16 of 2012**

28.05.13

As prayed for, list this matter on 29.05.13.

JUDGE

V. Lyndem.

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

28.05.13

Heard Mr. S Thapa, the learned counsel for the petitioner.

Also heard Mr. R Gurung, the learned counsel for the state respondent as well as Mr. JA Dkhar, the learned counsel appearing on behalf of the respondent No. 2 who submits that he needs sometime to file objection.

List this matter on 4.06.13.

In the meantime, the learned counsel appearing on behalf of the respondent No. 2 is at liberty to file objection if any.

JUDGE

V. Lyndem.

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

28.05.13

Heard Mr. S Thapa, the learned counsel for the petitioner.

Also heard Mr. R Gurung, the learned counsel for the state respondent as well as Mr. JA Dkhar, the learned counsel appearing on behalf of the respondent No. 2 who submits that he needs sometime to file objection.

List this matter on 4.06.13.

In the meantime, the learned counsel appearing on behalf of the respondent No. 2 is at liberty to file objection if any.

JUDGE

V. Lyndem.

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

28.05.13

Heard Mr. S Thapa, the learned counsel for the petitioner.

Also heard Mr. R Gurung, the learned counsel for the state respondent as well as Mr. JA Dkhar, the learned counsel appearing on behalf of the respondent No. 2 who submits that he needs sometime to file objection.

List this matter on 4.06.13.

In the meantime, the learned counsel appearing on behalf of the respondent No. 2 is at liberty to file objection if any.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA (SH) No. 62 of 2013

28.05.13

Heard Mr. B Khyiem, the learned counsel for the petitioner who submits that the accused Shri. Phyrnailang Swer is in custody for almost 83 days, so he may be released on bail.

Mr. S Sen Gupta, the learned Addl. PP submits that since the day of his arrest he is in hospital (NEIGRIHMS) for treatment and he has never been produced in court till date, so the learned court below could not consider the bail application.

If it is so, I am of the opinion that the learned court below has rightly rejected the bail application. Under Section 167 Clause-b of the CrPC specifically states that "no Magistrate shall authorise detention in any custody under this Section unless the accused is produced before him". Since the accused has never been produced before the court, it cannot be said certainly whether he is in custody. Therefore, in the present facts and circumstances of the case, investigation agency is directed to produce the accused before the learned court below as and when he recovers, thereafter, the learned court below should consider the bail application in accordance with law.

With these observations and directions, the instant bail application stands disposed of.

JUDGE

V. Lyndem.

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Case (SH) No. 10 of 2013

28.05.13

Heard Mr. L Khyriem, the learned counsel for the petitioner who submits that service report is yet to received.

Await service report.

List this matter on 11.06.13.

JUDGE

V. Lyndem.

