

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. MC No. 58 of 2011 in
CrI. Revn. P. No. 24 of 2003

29.10.2013

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

List this matter on **30.10.13.**

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 16 of 2013

29.10.2013

Heard Mr. N Khan, the learned counsel for the petitioner as well as Mr. W Syiem, the learned counsel for the respondent No. 1 who submits that, the matter may be placed before the Lok Adalat.

Prayer is allowed.

List this matter before the Lok Adalat as prayed for by the learned counsel for respondent No. 1 to which the petitioner's counsel has no objection.

List it accordingly.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL. PET. No. 2 of 2013

29.10.2013

Heard Mr. HS Thangkhiew, the learned senior counsel assisted by Mr. N Mozika, the learned counsel in his petition pertaining to preliminary reply praying for striking out of respondent No. 7 from the Election Petition.

The learned senior counsel further argued that, as the Section 82 of the Representation of the People's Act, 1951 makes clear who are to be parties and also relied in the case of ***Jyoti Basu & Ors. vrs Debi Ghosal & Ors. reported 1982 (1) SCC 691 as well as in the case of B Sundra Rami Reddy vrs Election Commission & Ors. reported in 1991 Suppl. (2) 624.***

The learned senior counsel also argued that as far as principles laid down in the case of ***Michael Fernandes vrs CK Jaffar Sharif & Ors. reported in AIR 2002, SC 1041*** has clearly settled that, the Election Commission of India cannot be joined as a respondent to the election petition.

Also heard Mr. AK Das, the learned counsel for the petitioner who submits that, since the law is clear he has no submission; so the Court may pass necessary order.

After hearing both the learned counsel at bar and after taking into consideration the guidelines given by the Apex Court, I am of the considered view that it is a fit case that respondent No. 7 needs to be struck-off.

Accordingly, respondent No. 7 is hereby struck-off from the instant Election Petition.

List this matter on 18.11.13 for filing issues and documents by the parties.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 25 of 2013

29.10.2013

Heard Ms. SS Gawadi, the learned counsel for the petitioner who submits that, Mr. SP Sharma, the leading counsel is busy in the other Court, so the matter may be fixed on some other dates.

Prayer is allowed.

Mr. K Khan, the learned counsel for the respondent is present.

List this matter on 12.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL. PET. No. 2 of 2013

29.10.2013

Heard Mr. HS Thangkhiew, the learned senior counsel assisted by Mr. N Mozika, the learned counsel in his petition pertaining to preliminary reply praying for striking out of respondent No. 7 from the Election Petition.

The learned senior counsel further argued that, as the Section 82 of the Representation of the People's Act, 1951 makes clear who are to be parties and also relied in the case of ***Jyoti Basu & Ors. vrs Debi Ghosal & Ors. reported 1982 (1) SCC 691 as well as in the case of B Sundra Rami Reddy vrs Election Commission & Ors. reported in 1991 Suppl. (2) 624.***

The learned senior counsel also argued that as far as principles laid down in the case of ***Michael Fernandes vrs CK Jaffar Sharif & Ors. reported in AIR 2002, SC 1041*** has clearly settled that, the Election Commission of India cannot be joined as a respondent to the election petition.

Also heard Mr. AK Das, the learned counsel for the petitioner who submits that, since the law is clear he has no submission; so the Court may pass necessary order.

After hearing both the learned counsel at bar and after taking into consideration the guidelines given by the Apex Court, I am of the considered view that it is a fit case that respondent No. 7 needs to be struck-off.

Accordingly, respondent No. 7 is hereby struck-off from the instant Election Petition.

List this matter on 18.11.13 for filing issues and documents by the parties.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 44 of 2013

29.10.2013

Heard Mr. AS Siddiqui, the learned counsel for the petitioner.

Seen also additional affidavit dated 17.09.13 whereby the petitioner has brought on record annexures- 5 & 6.

As per record it appears that, no notice has been issued to the respondents.

Issue notice.

Notice is made returnable within 3(three) weeks.

However, the petitioner's counsel is directed to take necessary steps to serve notice upon the respondents within 3(three) days.

In the meantime, call for the Lower Court case record.

List this matter on 19.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA No. 135 of 2013

29.10.2013

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

Bail application will be considered after perusal of CD.

Call for CD.

In the meantime, the petitioner's counsel is directed to furnish a copy of the order passed by the Lower Court below.

Mr. ND Chullai, the learned senior counsel is present.

List this matter on 6.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA No. 137 of 2013

29.10.2013

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

Bail application will be considered after perusal of CD.

Call for CD.

In the meantime, the petitioner's counsel is directed to furnish a copy of the order passed by the Lower Court below.

Mr. ND Chullai, the learned senior counsel is present.

List this matter on 6.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Crl. Revn. P. No. 63 of 2013

29.10.2013

Heard Mr. HR Nath, the learned counsel for the petitioner.

Issue notice to the respondents to show cause as to why this instant petition should not be allowed or any order or orders should not be passed as this Court found deemed fit and proper.

Notice is made returnable within 1(one) week.

In the meantime, the petitioner's counsel is directed to serve notice upon the respondents. Since Mr. AS Siddiqui, the learned counsel is present and entered appearance on behalf of the respondent, no further notice is called for.

The petitioner's counsel is further directed to furnish a copy of the petition along with annexures etc. to the learned counsel for the respondent.

Call for the Lower Court case record.

Since the Lower Court case record is called for, further stay is not necessary.

List this matter on 7.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB No. 133 of 2013

29.10.2013

Heard Mr. H Kharmih, the learned counsel for the petitioner who submits that, the whole dispute arise between the parties regarding the crop's field and in due altercation some incidents occurred. The learned counsel further contended that, the co-accused was arrested earlier by the police and he has already been released, so the petitioner may also be allowed to go on bail.

On the other hand, Mr. ND Chullai, the learned senior counsel assisted by Mr. S Sen Gupta, the learned counsel for the state produced the CD, objected the bail application and submits that, one person sustained grievous injuries as per the medical report. The learned senior counsel also contended that in such a case, if anticipatory bail is granted, it may hamper the investigation.

I have perused the bail application.

On perusal of the bail application, I do not find any reason of apprehension of arrest or in the event of arrest, how and in what manner the petitioner will suffer any damage or loss, therefore, I am of the considered view that, even if the co-accused has already been released on bail itself will not create any ground for granting anticipatory bail to the petitioner. Therefore, I am not inclined to consider bail application, hence, pre-arrest bail is rejected and the order passed on 10.10.13 is hereby withdrawn.

Court Master is directed to return the CD to the learned senior counsel and the matter stands disposed of.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA No. 136 of 2013

29.10.2013

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

Bail application will be considered after perusal of CD.

Call for CD.

In the meantime, the petitioner's counsel is directed to furnish a copy of the order passed by the Lower Court below.

Mr. ND Chullai, the learned senior counsel is present.

List this matter on 6.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Case No. 11 of 2013

29.10.2013

Heard Mr. S Thapa, the learned counsel for the petitioner who submits that, the matter may be posted for hearing and in the meantime, he may be given a liberty to file a rejoinder.

Prayer is allowed.

Counsel for the respondent is represented by Ms. A Thangkhiew.

List this matter for hearing on 12.11.13.

JUDGE

V. Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CrI. MC No. 59 of 2013 in
CrI. Revn. P. No. 63 of 2013

29.10.2013

In the light of the order passed in CrI. Revn. P. No. 63 of 2013, this instant Misc. Case also stands disposed of.

JUDGE

V. Lyndem