

Cont. Case(C) No. 7 of 2015
IN WP(C)No. 412 of 2010

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Mr P Nongbri, learned counsel, appears for the petitioner.

Mr K Paul, learned counsel, represents the respondent.

Learned counsel for the respondent states that petitions for Special Leave to Appeal (C) Nos. 13534-13535/2015 have been filed against the order of learned single Judge, in the Supreme Court and the operation of impugned order has been stayed. Moreover, this Court has already granted exemption from appearance to Director General of Assam Rifles in Court. Thus this matter is adjourned with directions to list after the outcome of the proceedings pending before Hon'ble the Apex Court.

List on 05.10.2015.

CHIEF JUSTICE

dev

Crl MC No. 17 of 2015
IN Crl Revn Petn No. 19 of 2015

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Mr A Medok, learned counsel, appears for the applicants.

Mr S Sen Gupta, learned GA, represents the State respondents.

Learned counsel for the applicants states that the process has been filed and notice issued. The service report is awaited. List on 21.08.2015.

CHIEF JUSTICE

dev

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Mr S Chakravarty, learned senior counsel, appears for the petitioner.

Mr S Sen Gupta, learned GA, represents the State respondents.

Mr K Paul, learned counsel, is for private respondent.

Both parties along with their child are present in Court in compliance of the last order.

From a careful assessment of mindset of the parties, it appears that there is still a scope for adjustment and they can live together and restore the matrimonial life. It is not a case of complete breakdown or point of no return. The petitioner/husband said to be a Dentist in Kolkata is ready to stay in Shillong and hire an independent premises to stay with respondent/wife and children. He also states that he himself shall bear the expenses of rent amount although the wife also has her own independent sources of earning. The only small apprehension that is expressed by the respondent/wife is against the short temperament of the petitioner/husband. From the appearance, he seems to be more a case of emotional upsurge and disturbance which can settle down in due course of time when the parties would stay together for sometime. Moreover, in order to avoid any untoward incident during parties' stay together, I direct the Superintendent of Police, Shillong to post a lady Police Constable initially for two months with the respondent/wife to instill a sense of security in her mind. The constable to be so posted shall also ensure that there is no external interference with their matrimonial life and the respondent wife is not assaulted or suffers physical torture at the hands of the husband, as alleged during the course of court proceedings. The Superintendent

of Police shall also take care of the security of the petitioner/husband in the manner he decides best in the circumstances of the case. The petitioner/husband states that he will collect his articles from Kolkata and return to Shillong on 2nd August, 2015 and from 7th August, 2015 after hiring an independent premises start a separate household with the respondent/wife and children. On being informed, the wife shall immediately join the petitioner/husband and stay in the premises hired by him. The Superintendent of Police shall on receipt of information in advance about arrival of husband in Shillong; the address of the premises to be hired by him, and the date when the couple would start to stay together, shall ensure against any kind of interference or disturbance by any outside element including the family members or relatives of the parties.

The Police Officer Smti Kamini R Marak, S.I. present in Court, though denying the allegations made against her is cautioned for future against any such misconduct as alleged in the petition.

All such pending criminal proceedings that arise out of this matrimonial dispute against the petitioner shall remain stayed during the pendency of this criminal revision petition.

List on 05.10.2015.

CHIEF JUSTICE

dev

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Mr K Paul, learned counsel, appears for the petitioner.

Mr P Nongbri, learned counsel, represents the respondent.

The Chief Judicial Magistrate, Shillong has submitted the explanation towards the directions issued by this Court. However, the language used by the Judicial Officer in giving the explanation cannot be said to be very respectful. It appears that the Judicial Officer needed to be groomed more before being posted at Shillong. Let a copy of this order with explanation be placed before the Hon'ble Administrative Judge, Shillong for perusal and appropriate directions to Shillong Judgeship. A copy of the explanation be also supplied to learned counsel for parties to file reply/objections thereto, if any. List on 14.08.2015.

CHIEF JUSTICE

dev

Crl Revn Petn No. 18 of 2014

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Ms Y Shylla, learned counsel, appears for the petitioner.

Mr S Dey, learned counsel, represents the respondent.

Learned counsel for the respondent prays for one more opportunity to prepare the case. Thus, he is granted two weeks' time to argue the matter. List on 14.08.2015.

CHIEF JUSTICE

dev

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE

31.07.2015

Mr BMR Chyne, learned counsel, appears for the petitioner.

Mr ND Chullai, learned senior GA, assisted by Mr S Sen Gupta, learned GA, represents the State respondents.

This criminal revision has been filed being aggrieved by the order dated 25.05.2015 passed by Sub-Divisional Magistrate, Sohra Civil Sub-Division, Sohra. It appears from the order that the petitioner had called the people to hold a meeting in the durbar and it was reported to the Magistrate by the Police that there was likelihood of breach of peace. Thus, learned Magistrate on the request of police has clamped Section 144 CrPC.

On being asked, there is no answer to the query as to what authority could the petitioners have to call the meeting of the Durbar when the Division Bench of this Court while deciding the issue vide para 7 of its judgment has clarified the position that the term of Office of the appellants (petitioners herein) said to be for one year has already expired, and in their place, the village had elected some other representatives to act as Secretary/Assistant Secretary and Executive Members of the Village Durbar.

In that view of the matter, I do not find any merit in this criminal revision petition. Hence, it is dismissed.

CHIEF JUSTICE

dev