

HIGH COURT OF MEGHALAYA

SHILLONG

W.P. (Crl.) No.3/2021

Ge'etaniko on'ani tarik: 02.11.2022

Pradip Kumar Hajong

Vs.

Union of India & ors

Jeni mikkangon mamlako ra'a:

Mandera'ako man'na kragipa Mr. Justice Sanjib Banerjee, Skotong

Bichal Ka'gipa

Mandera'ako man'na kragipa Mr. Justice W. Diengdoh, Bichal Ka'gipa

Mikkang Pagiparang:

Bi'engqipana : Mr. S. Dev. Ukil

Warachakqipana : Dr. N. Mozika, DSGI baksana
Ms. S. Rumthao, Ukil
Ms. K. Gurung, Ukil

- i) Law Journals ba uandakgiparango Ra'chakaha
u'iatanina ra'chakaniko dakahama?
- ii) Chapa ka'atanina ra'chakniko
dakahama: Ra'chakaha/Ra'chakkuja
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**RAI ON'ANI: (Mande ra'ako man'na kragipa Skotong Bichal Ka'gipani)
(Ku'sikchi poraiatani)**

Bi'aniko dakengqipani miksonganiara Border Security Force-ni Security Force Kachario on'gipa sastini kosako nipiltaianiko dakna bi'anio name chanchianiko daggija bon'ataniko ong'nikjae bi'ani ong'a.

2. Chongmotan, warachakgipa dolni palo agangipani janapa gita Border Security Force Act, 1968-ni Section 117-o sasti on'a cha'a man'gimin mandena bi'aniko dake segataniko dakna cholko on'a. Mamla ka'gipani janapani gita uandakgipa bi'aniko BSF-ni Director-General-ni mikkango segateaha, indiba Force-ni Chief Law Officer-sa bi'anirangna aganchakskaaha.

3. Agangimin Ainni Section 117(2)-o janapani gita, je mandeba je Security Force-ni Kacharini sasti on'anina ba an'tang sandie nie nike duknirangko man'achim, ua Mamong Sorkario (Central Government), Director –General-o, ba dongmin dal'batgipa je officer-onaba jean sasti man'aniko nigenchim unona bi'aniko dakena nangchongmotaniko on'a. Iana agreba, ainoniko nikangkuna man'gen, indake bilko man'gipa manderang bi'e seaniko ra'chakon "ge'etaniko apsane ba uni ong'nike chanchiani gita on'na nanggen."

4. Je mandean, Security Force-ni Kacharini sasti on'anina ba uni sandie nie nikanio uana duknirangko man'achim, ua aino segiminko nikani gita Section 117(2)-o pangchake mingsa namgipa cholko dakangkuna man'gen. Uni dal'batgiparang, Central Government-ba ong'chong, Director-General-ba ong'chong ba je dongimin officer-ni gadangoba ong'chong apsan gadango ong'giparang uni bi'aniko see on'eanina kamko ka'na nangao ga'aka. Minggipin dake agangenchimode, bi'aniko dakenggipani dal'batgiparang jeon bi'aniko dakeachim, ong'enggipa a'selrangna gisikko name jakkale chanchianiko ra'gatani ja'man bi'aniko dakenggipana kragipa somoini gisepon u'iataniko on'na nanggen. Dal'batgiparangni kamko dakna nanggnini gimin

talataniko on'genchimode namdapatna chol on'aniara chongmotko on'gijani ba orto gri ba chu'sokgijani ong'aigen.

5. Ia mamlao bi'aniko dakenggipana, Chief Law Officer-sa Force-ni Director-General-o se'e bi'aniko on'egipana uni bianiko ra'chakgija jegala ine u'iatgipa ong'a.

6. Jensalo niam gita appeal (mol'molani) ba revision (nitaiani) ba review (nipiltaiani)-na cholko on'a, mol'molaniko dakenggipa mande ba bi'aniko dakenggipa mande uni duknirangko namedake chanchie nianiko daktaiatna bilko man'a. Je dal'batgipan iani bidingo jako ra'engachim iandakgipa duknirangna name gisikko jakkale niam gita re'e ku'sikchi hukum on'genchimode iandakgipa duknirangna name chanchie kamko ka'aniko nikgen. Beben, ain jekon bil on'achim uko ra'pilnaba man'a; aro niamo ku'sikchi hukum on'gija on'na nangnikoba o'na. Indiomangba, ku'sikchi ong'gija hukum on'aniko badiaba a'selrangosan on'aia niam manchade ong'ja. Uni gimin, aino ku'sikchi agangija ge'etaniko on'na cholko on'jaskal, ia ong'enggipa mamlana ku'sikchi hukumko on'angkuna nanggen.

7. Mamla ka'e bi'aniko dakgipa Ainni Section 117(2)-ni ning'o segateaniko dakahani gimin ia mamlani bidingo niam gita kamrangko ka'jaha ine nikaha; ia bi'anirang chu'sokbeaha aro je ge'etanikon June 22, 2015 tariko chittichi u'iatahachim uko ra'gale galataha. Bi'aniko da'o ong'enggipa Director-General, kosako janapgiminrangko gisiko done niam gita chanchianiko dakanggen.

8. Kosako mesokanirang gita ia mamlani namgnirangko W.P.(Crl.) No.3 /2020-o chu'sokgijanirangko rongtalen nikjaha. Section 117(2)-ni ning'o

bi'aniko dake segategipana, Director General ku'sikchi ge'ete on'aniko ia tarikni anti dokni gisepo sokatna nanggen.

9 Ge'etaniko on'anio mamung gamatani dongjawa.

(W. Diengdoh)
Bichal Ka'gipa

(Sanjib Banerjee)
Skotong Bichal Ka'gipa