EL.PET. No. 1 of 2013

Examination-in-Chief of P.W. 2 recorded today the **1st July 2014** by Hon'ble Mr Justice S.R. Sen, Judge, High Court of Meghalaya, Shillong and examined by Mr K. Paul, counsel for the petitioner.

Name	:	Shri ER Malngiang
Age	:	54 years
S/o	:	(L) D.K. rynjah
R/o	:	Upper Lachumiere, House No. 54
Occupation	:	Business

Examination- in- Chief of PW-2

Examination-in-Chief by Shri. K Paul, Advocate.

ON OATH

I am the election agent of PW1, as such I am aware of the facts and circumstances leading to the filing of this instant election petition. I have gone through the evidence of PW1 Shri. Lambor Malngiang made before this Hon'ble Court on 5th & 6th of June 2014. I agreed and ratify the statements made by the PW1 before this Hon'ble Court. I do not wish to add anything else to the statements already made before this Hon'ble Court by PW1 5th & 6th June 2014.

xxx GS Massar, Senior Counsel

It is not a fact that the evidence given by the petitioner which I am supporting have come out due to the frustration after losing the election only. It is not a fact that I have not made a complaint to any authority about any short coming or illegal acts committed during the election or on the election day but I have only inform to the candidate*. I cannot say that if the candidate had referred of any complaint, I have complaint to him verbally or otherwise insptie of the fact I have gone through his evidence.* It is not a fact that I and the candidate have

conspired or mislead this Court with facts which are untrue just to get the election of the 22 Nongkrem constituency cancelled and to declare null and void. It is not a fact that I have deposed falsely before this Court.

Cross-examination declined for respondent No. 3.

R. O. A. C.

Typed by me:
P.S. to Hon'ble Mr Justice, S.R. Sen

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P.S. to Hon'ble Mr Justice, S.R. Sen

BEFORE
HON'BLE MR JUSTICE SR SEN
BA No. 18 of 2014
BA No. 19 of 2014

1.07.2014

Both bail applications No. 18 of 2014 and No. 19 of 2014 are taken up today for final disposal by this common order.

Heard Ms PS Nongbri, the learned counsel for the petitioner who submits that, the accused person namely **Shri. Moni Phawa** is in custody for more than a year in connection with Khliehriat PS Case 121(5)/2013, U/s 368/302/201/34 IPC and Khliehriat PS Case No. 77(5)/2012 U/s 364A/302/201/34 IPC respectively and the case has already been charge-sheeted pending before the Court of ADM Khliehriat, Jowai. Besides that, the accused person is an HIV patient, so bail may be granted.

State has been represented by Mrs. NG Shylla, the learned counsel who produced the CD before this Court.

The learned State counsel strongly objected the bail application as the victim was kidnapped for ransom.

I have perused the CD.

After perusal of the CD and after considering the submissions advanced by the learned counsel, I am not inclined to consider the bail application as the nature of the offence is severe; moreover, the case has already been charge-sheeted.

In my view if bail is granted, it may be difficult on the part of the prosecution to bring the accused to face the trial before the Court concerned. However, ADM, Khliehriat is directed to expedite the trial and to complete the same within 6(six) months from the date of receipt of this order.

Further, the Superintendent District Jail Jowai is directed to give all necessary and periodical treatment to the accused person as and when necessary.

With these observations and directions this instant bail application is rejected and the matter stands disposed of.

Registry is directed to forward a copy of this order the ADM, Khliehriat as well as Superintendent District Jail Jowai for compliance.

Court Master is further directed to return the CD to the learned State counsel immediately.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
BA No. 25 of 2014

1.07.2014

Heard Mr. S Thapa the learned counsel for the petitioner who submits that, the accused person namely; **Shri. Nur Zaman** was arrested in connection with Madanrting PS Case No. 36(6) 2014 u/s 447/120B/121 IPC.

The learned counsel further contended that, the accused was arrested on 6.6.14 and since then he is in Judicial Custody, so he may be allowed to go on bail as the photograph was taken by the accused is without any ulterior motive.

In response of the order of the Court dated 27.6.14, the IO appeared along with CD.

Mrs. NG Shylla, the learned State counsel submits that, the investigation is almost completed and for the purpose of investigation, further custody of the accused is not necessary, so the Court may pass order as found deemed fit and proper.

Since the accused is in Judicial custody and since further custody of the accused is not necessary for the purpose of investigation, I do not see any reason to detain him in custody. Accordingly, the accused person is allowed to go on bail with a sum of Rs. 50,000/- with 1(one) local surety of the like amount subject to the satisfaction of the Court below with following conditions.

1. The accused person shall not leave station without prior permission of the Court below.
2. The accused person shall appear before IO concerned as and when necessary for the purpose of investigation.
3. The accused person shall be bound to face the trial as and when necessary.

Court Master is directed to return the CD to the learned State counsel along with a copy of this order.

With these observations and directions, this instant bail application is allowed and the matter stands disposed of.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
BA No. 26 of 2014

1.07.2014

Heard Mr. S Thapa the learned counsel for the petitioner who submits that, the accused person namely; **Shri. Sukur Ali** was arrested in connection with Madanrting PS Case No. 36(6) 2014 u/s 447/120B/121 IPC.

The learned counsel further contended that, the accused was arrested on 6.6.14 and since then he is in Judicial Custody, so he may be allowed to go on bail as the photograph was taken by the accused is without any ulterior motive.

In response of the order of the Court dated 27.6.14, the IO appeared along with CD.

Mrs. NG Shylla, the learned State counsel submits that, the investigation is almost completed and for the purpose of investigation, further custody of the accused is not necessary, so the Court may pass order as found deemed fit and proper.

Since the accused is in Judicial custody and since further custody of the accused is not necessary for the purpose of investigation, I do not see any reason to detain him in custody. Accordingly, the accused person is allowed to go on bail with a sum of Rs. 50,000/- with 1(one) local surety of the like amount subject to the satisfaction of the Court below with following conditions.

1. The accused person shall not leave station without prior permission of the Court below.
2. The accused person shall appear before IO concerned as and when necessary for the purpose of investigation.
3. The accused person shall be bound to face the trial as and when necessary.

Court Master is directed to return the CD to the learned State counsel along with a copy of this order.

With these observations and directions, this instant bail application is allowed and the matter stands disposed of.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
EL. PET No. 1 of 2013

1.07.2014

Petitioner's counsel is represented by Mr. K Paul, the learned counsel who has examined on witness PW2 and the same has been cross-examined by Mr. GS Massar, the learned senior counsel assisted by Mr. JM Thangkhiew, the learned counsel.

Cross-examination declined for respondent No. 3.

Accordingly PW2 is discharged

Let this matter be fixed on 3.07.14.

Further, the petitioner's counsel is directed to bring as many witness as possible on the next date fixed.

JUDGE

V Lyndem

BEFORE
HON'BLE MR JUSTICE SR SEN
WP(C) No. 333 of 2012

1.07.2014

Heard Ms A Kharumnuid, the learned counsel for the petitioner who prayed for 1(one) weeks' time.

Mr. R Gurung, the learned State counsel is present.

List this matter after 1(one) week for hearing as a last chance.

JUDGE

V Lyndem