

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 32 of 2014

04.09.2014

This instant case was fixed today for C.D.

The learned State counsel, Mr. S. Sen Gupta is present before the court and submitted that the matter has already been charge sheeted before the learned ADM Ampati, South West Garo Hills as such; he is not in a position to produce the C.D.

Mr. K. Paul, learned counsel for the petitioner submits that the accused/petitioner has an apprehension that if he goes to Tura his life is in danger from different quarters. As a result, he is not in a position to appear before the ADM, Ampati, South West Garo Hills.

Since the petitioner/accused is taking the shelter of the court, I am of the view that it is the duty of this court to give certain protection for his life threat. Therefore, I observed that if the petitioner/accused desires, he may appear before the learned Chief Judicial Magistrate, Shillong along with proper application and in turn, the learned Chief Judicial Magistrate, Shillong will pass necessary order as found deemed fit and proper in accordance with law.

With this observation and direction the matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 36 of 2014

04.09.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel appearing for and on behalf of the petitioner assisted by Mr. P. N. Nongbri, learned counsel who submits that the petitioners/accused Shri Puningstar Pdahkasiej, Shri Bling Kynter and Shri Tesmendar Tohtieh were arrested by the police in connection with Mawsynram P.S. Case No. 26 (8) 2014 U/S 447, 324, 325, 354, 111, 114 and 34 IPC on 15.08.2014 and since then they are in custody and at present in judicial custody.

The learned Sr. counsel also submits that other accused who were named in the FIR have already obtained the pre-arrest bail and prays that since section 324 IPC is only non bailable, the bail application may be considered.

The I/O is present along with the learned State counsel, Mr. R. Gurung and produce the C.D.

On perusal of the C.D and on gathering the information for the C.D as well as the submissions advanced by the learned Sr. counsel, Mr. H.S. Thangkhiew and the learned State counsel, Mr. R. Gurung who also admitted that further custody of the accused for the purpose of investigation is not necessary. Therefore, I did not find any reason to reject the bail application. Accordingly, all the three accused named above are allowed to go on bail for a sum of Rs. 20, 000/- (Rupees twenty thousand) each with one surety of the like amount subject to the satisfaction of the learned Judicial Magistrate concerned of East Khasi Hills, Shillong with following conditions:

1. The accused persons shall co-operate with the I/O as and when necessary for the purpose of investigation.
2. They will not interfere or hinder with the evidence.
3. They shall be bound to face the trial as and when necessary.

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

With this observation and direction, all the three Bail Applications No. 36 of 2014, 37 of 2014 and 38 of 2014 are disposed of by this common order.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 37 of 2014

04.09.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel appearing for and on behalf of the petitioner assisted by Mr. P. N. Nongbri, learned counsel who submits that the petitioners/accused Shri Puningstar Pdahkasiej, Shri Bling Kynter and Shri Tesmendar Tohtieh were arrested by the police in connection with Mawsynram P.S. Case No. 26 (8) 2014 U/S 447, 324, 325, 354, 111, 114 and 34 IPC on 15.08.2014 and since then they are in custody and at present in judicial custody.

The learned Sr. counsel also submits that other accused who were named in the FIR have already obtained the pre-arrest bail and prays that since section 324 IPC is only non bailable, the bail application may be considered.

The I/O is present along with the learned State counsel, Mr. R. Gurung and produce the C.D.

On perusal of the C.D and on gathering the information for the C.D as well as the submissions advanced by the learned Sr. counsel, Mr. H.S. Thangkhiew and the learned State counsel, Mr. R. Gurung who also admitted that further custody of the accused for the purpose of investigation is not necessary. Therefore, I did not find any reason to reject the bail application. Accordingly, all the three accused named above are allowed to go on bail for a sum of Rs. 20, 000/- (Rupees twenty thousand) each with one surety of the like amount subject to the satisfaction of the learned Judicial Magistrate concerned of East Khasi Hills, Shillong with following conditions:

1. The accused persons shall co-operate with the I/O as and when necessary for the purpose of investigation.
2. They will not interfere or hinder with the evidence.
3. They shall be bound to face the trial as and when necessary.

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

With this observation and direction, all the three Bail Applications No. 36 of 2014, 37 of 2014 and 38 of 2014 are disposed of by this common order.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 38 of 2014

04.09.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel appearing for and on behalf of the petitioner assisted by Mr. P. N. Nongbri, learned counsel who submits that the petitioners/accused Shri Puningstar Pdahkasiej, Shri Bling Kynter and Shri Tesmendar Tohtieh were arrested by the police in connection with Mawsynram P.S. Case No. 26 (8) 2014 U/S 447, 324, 325, 354, 111, 114 and 34 IPC on 15.08.2014 and since then they are in custody and at present in judicial custody.

The learned Sr. counsel also submits that other accused who were named in the FIR have already obtained the pre-arrest bail and prays that since section 324 IPC is only non bailable, the bail application may be considered.

The I/O is present along with the learned State counsel, Mr. R. Gurung and produce the C.D.

On perusal of the C.D and on gathering the information for the C.D as well as the submissions advanced by the learned Sr. counsel, Mr. H.S. Thangkhiew and the learned State counsel, Mr. R. Gurung who also admitted that further custody of the accused for the purpose of investigation is not necessary. Therefore, I did not find any reason to reject the bail application. Accordingly, all the three accused named above are allowed to go on bail for a sum of Rs. 20, 000/- (Rupees twenty thousand) each with one surety of the like amount subject to the satisfaction of the learned Judicial Magistrate concerned of East Khasi Hills, Shillong with following conditions:

1. The accused persons shall co-operate with the I/O as and when necessary for the purpose of investigation.
2. They will not interfere or hinder with the evidence.
3. They shall be bound to face the trial as and when necessary.

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

With this observation and direction, all the three Bail Applications No. 36 of 2014, 37 of 2014 and 38 of 2014 are disposed of by this common order.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 22 of 2014

04.09.2014

At the request of Mr. K. Paul, learned counsel for the petitioner,
the matter is adjourned and re-fixed tomorrow i.e. **05.09.2014**.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 23 of 2014

04.09.2014

At the request of Mr. K. Paul, learned counsel for the petitioner,
the matter is adjourned and re-fixed tomorrow i.e. **05.09.2014.**

JUDGE

D. Nary

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

04.09.2014

Heard Mr. K. Paul, learned counsel for the petitioner, who submits that P.W. 12 was partially examined and could not appear due to the ailment of her minor child and prays for adjournment.

The learned Sr. counsel, Mr. G.S. Massar for respondent No. 1 is not present; however his junior Mr. L.S. Darnei, learned counsel inform the court that he has got some personal urgent work as such, he could not appear.

Mr. G.A. Dkhar, learned counsel for respondent No. 3 is present.

Court Master inform the court that the trunk which arrived to the strong room from the Election Commission does not carry the key of the lock. The Election Commission is directed to deposit all the keys of the trunk under lock and key to the Registrar General.

Registry is directed to forward a copy of this order to the Election Commission.

List this matter after 2(two) weeks.

JUDGE

D. Nary