CRL.A. No. 1 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

09-02-2015

Mr. MF Qureshi, learned Advocate, appears for the appellant.

Mr. R Deb Nath, learned CGC, represents the respondents.

We have heard learned counsel for parties and perused the records. Learned counsel for the appellant states that the Custom Department also investigates narcotic cases under the NDPS Act, but finally they file complaints before Special Court. He also states that statements made by accused before Custom Officers under the Customs Act are admissible in evidence. However, there may be such cases wherein there can be allegations of extracting self incriminating statements by Custom Officer by putting the person under fear. There may be also identical cases where Police being the investigating agency upon registration of FIR under Section 154 CrPC would follow the procedures as provided under CrPC and may even file a final report. In the first case, if admission is made before a Custom Officer, that may provide a ground for conviction, whereas in second case investigated by Police even if there is admission/extra judicial confession before the Police officer that would not cause any prejudice unless pursuant there to there is a discovery and recovery under Section 27 of the Evidence Act. There may be yet another situation where upon filing of complaint after investigation by Custom Officer, the Special Court can entrust the case to the police for registration of FIR and further investigation. Thus in order to seek clarification in such anomalous situations which may result in infraction of fundamental rights under Articles 14 and 21 of the constitution, we require proper assistance of learned counsel for the parties. They may also file written submission on or before the next date of hearing.

List the matter on 24.03.2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

PIL. No. 6 of 2013

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

09-02-2015

Mr. SP Dass, petitioner in person is present.

Mr. SC Shyam. Sr. Advocate, represents respondents No. 1 to 4.

Mr. ND Chullai, Sr. GA, is for respondents No. 5 to 7.

Ms. R. Dutta, Advocate, represents respondent No. 8.

Mr. A. Baruah, Advocate, is for respondent No. 9.

Mr. HS Thangkhiew, Sr. Advocate, has put in appearance for respondent No. 12.

Mr. R. Jha, Advocate, is the counsel for respondents No. 10, 11 and 13.

Petitioner in person states that all the respondents have entered appearance and filed their affidavits except Aircel which has not responded to be represented before this Court despite service of notice. Thus, service in respect of Aircel is deemed to be completed.

Moreover, petitioner in person also brings to our notice the fact that the Building bye-laws framed by Meghalaya Urban Development Authority (for short MUDA) which clearly prohibit putting up of mobile towers in certain types of localities and institutional buildings are being violated. Thus, he intends to implead MUDA as a party. He may do so. Upon impleading MUDA as a party, without waiting for further listing in Court, a notice shall be issued to show cause as to why MUDA has failed

to enforce the provisions of Building bye-laws relating to setting up of mobile towers in the prohibited areas.

List on 09-03-2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

W.A. No. 67 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE S.R. SEN

09.02.2015

Mr SC Shyam, learned senior counsel, appears for the appellants.

Mr K Paul, learned counsel, represents the respondents.

Mr. S.C. Shyam, learned Sr. Advocate for the Union of India, states that he has received a written instruction clarifying the doubt about engineering qualification for recruitment of Havildar (Operator, Radio and Line). According to him, one may have passed only 2(two) years course and a graduate degree in Engineering is not required. He also wants to file the communication with affidavit. He states that implementation of the order passed by learned Single Judge is at the advance stage of consideration. However, time is being taken only in-inter-se departmental communication. He prays for 3(three) months' time, but since the exercise has already taken about 9(nine) months, we are not inclined to grant a long adjournment and for the present, we grant only 4(four) weeks' time to do the needful. However, it will be open for the Assam Rifles, in case of difficulties in implementing the order within the time frame of 4(four) weeks, to file an application for further extension of time.

List this matter on *10.03.2015.*

JUDGE **CHIEF JUSTICE (ACTING)**

D. Nary

WP(C) No. 317 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

09-02-2015

Ms. QB Lamare, learned Advocate, appears for the petitioners.

Mr. SD Upadhaya, learned Advocate, represents the respondents.

Learned counsel for the respondents prays for and is granted 2(two) weeks' time to file reply. List on 23-02-2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

WA. No. 42 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

09-02-2015

Mr. S. Sen Gupta, learned GA, appears for the State of Meghalaya.

Mr. R. Deb Nath, learned CGC, represents respondent No.1.

Ms. NG Shylla, learned Advocate, is the counsel for respondent No. 2.

Ms. PS Nongbri, learned Advocate, is for respondent No.6.

Mr. BK Deb Roy, learned Advocate, has put in appearance for respondent Nos. 8, 18, 34, 37, 38 and 40.

Learned counsel for respondent No.6 states that she has been instructed not to file counter affidavit on behalf of her client. Learned counsel for the rest of respondents pray for and are granted 2(two) weeks to file affidavits in reply.

List on 23-02-2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

W.A. No. 34 of 2013

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE S.R. SEN

09.02.2015

Dr. ODV Ladia, learned senior counsel, appears for the appellant.

Mr A Khan, learned counsel, represents the respondent.

Dr. O.D.V. Ladia, learned Sr. Advocate for the appellant, prays for, and is granted 2(two) weeks' time to argue the matter. List this matter on *25.02.2015.*

JUDGE **CHIEF JUSTICE (ACTING)**

D. Nary

W.A. No. 55 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE S.R. SEN

09.02.2015

Mr ND Chullai, learned senior GA, appears for the appellants.

Mr AH Hazarika, learned counsel, represents the respondent.

Mr. N.D. Chullai, learned Sr. GA for the State, after arguing for sometime states that he will advise the State to file appropriate affidavit regarding the service status, nature of arms and ammunitions issued to the respondent; duration of possession after issuance, and date and time of deposit in the armoury. He shall also give the name of armourer responsible for issuance, and receiving back of arms and ammunitions and also the official superior, empowered to periodically inspect the records of armoury.

The affidavit shall be filed by the Superintendent of Police, East Khasi Hills District, Shillong, before the next date fixed.

List this matter on *24.02.2015.*

JUDGE **CHIEF JUSTICE (ACTING)**

D. Nary

W.A. No. 66 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE S.R. SEN

09.02.2015

Mr SC Shyam, learned senior counsel, appears for the appellants.

Mr K Paul, learned counsel, represents the respondents.

Mr. S.C. Shyam, learned Sr. Advocate for the Union of India, states that he has received a written instruction clarifying the doubt about engineering qualification for recruitment of Havildar (Operator, Radio and Line). According to him, one may have passed only 2(two) years course and a graduate degree in Engineering is not required. He also wants to file the communication with affidavit. He states that implementation of the order passed by learned Single Judge is at the advance stage of consideration. However, time is being taken only in-inter-se departmental communication. He prays for 3(three) months' time, but since the exercise has already taken about 9(nine) months, we are not inclined to grant a long adjournment and for the present, we grant only 4(four) weeks' time to do the needful. However, it will be open for the Assam Rifles, in case of difficulties in implementing the order within the time frame of 4(four) weeks, to file an application for further extension of time.

List this matter on *10.03.2015.*

JUDGE **CHIEF JUSTICE (ACTING)**

D. Nary