Crl MC No.11 of 2015
In Crl Petn No.7 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

List this matter on 27.5.2015 as the main case is also fixed on 27.05.2015 as submitted by learned counsel for the respondent-petitioner and Mr MF Qureshi, learned counsel for the applicant-respondent.

JUDGE

dr

Crl Petn No.11 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Mr. P Nongbri, learned counsel for the petitioner is present.

Court Master informed that lower court case record has not been received. On perusal of the Registry note it appears that LC record was called from the Chief Judicial Magistrate as well as enquiry report. It is really shocking to see that the person who has sent the letter from the Registry must probably has no time to read the order of the Court and he was in his dream world which cannot be accepted nor will be tolerated in future.

Issue notice to the District and Sessions Judge, Williamnagar, today itself. Registry to contact the District and Sessions Judge, Williamnagar over phone and to ask him to send the enquiry report as well as the case record as per order dated 30.04.2015. Mr R Gurung, learned State counsel, present is also directed to pursue the matter so that the report and the lower court case record reaches this Court within a week. Registry is also directed to enclose the copy of the order dated 30.04.2015 along with the notice.

Registry is also directed to furnish immediately a copy of this order as well as the order dated 30.4.2015 immediately to Mr R Gurung, learned State counsel.

List this matter after a week.

JUDGE

dr

Crl Petn No.12 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Mr. P Nongbri, learned counsel for the petitioner is present.

Court Master informed that lower court case record has not been received. On perusal of the Registry note it appears that LC record was called from the Chief Judicial Magistrate as well as enquiry report. It is really shocking to see that the person who has sent the letter from the Registry most probably has no time to read the order of the Court and he was in his dream world which cannot be accepted nor will be tolerated in future.

Issue notice to the District and Sessions Judge, Williamnagar, today itself. Registry to contact the District and Sessions Judge, Williamnagar over phone and to ask him to send the enquiry report as well as the case record as per order dated 30.04.2015. Mr R Gurung, learned State counsel, present is also directed to pursue the matter so that the report and the lower court case record reaches this Court within a week. Registry is also directed to enclose the copy of the order dated 30.04.2015 along with the notice.

Registry is also directed to furnish immediately a copy of this order as well as the order dated 30.4.2015 immediately to Mr R Gurung, learned State counsel.

List this matter after a week.

JUDGE

dr

Crl Petn No.13 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Mr. P Nongbri, learned counsel for the petitioner is present.

Court Master informed that lower court case record has not been received. On perusal of the Registry note it appears that LC record was called from the Chief Judicial Magistrate as well as enquiry report. It is really shocking to see that the person who has sent the letter from the Registry most probably has no time to read the order of the Court and he was in his dream world which cannot be accepted nor will be tolerated in future.

Issue notice to the District and Sessions Judge, Williamnagar, today itself. Registry to contact the District and Sessions Judge, Williamnagar over phone and to ask him to send the enquiry report as well as the case record as per order dated 30.04.2015. Mr R Gurung, learned State counsel, present is also directed to pursue the matter so that the report and the lower court case record reaches this Court within a week. Registry is also directed to enclose the copy of the order dated 30.04.2015 along with the notice.

Registry is also directed to furnish immediately a copy of this order as well as the order dated 30.4.2015 immediately to Mr R Gurung, learned State counsel.

List this matter after a week.

JUDGE

dr

MAC APP No.1 of 2015
MAC APP No.2 of 2015
MAC APP No.3 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Mr VK Jindal, learned senior counsel assisted by Ms QB Lamare, learned counsel for the appellant.

Learned senior counsel submits that in this case the ill-fated vehicle in question is a local taxi which is supposed to carry only four passengers at a time. But on the fateful day the driver was carrying nine passengers besides himself i.e. altogether ten persons were there in the said vehicle. The learned senior counsel submitted that due to overloading of the vehicle this accident occurred. He also further argued that it was the equal duty of the driver as well as the passengers not to carry excess passengers or to board a vehicle which is already carrying permitted number of passengers. Learned senior counsel referred to para 16 of the common judgment dated 16.2.2015 passed in MAC case No.45/46/47 of 2009 by the Motor Vehicle Tribunal, Shillong.

On perusal of para 16 of the said impugned judgment it appears that the Tribunal came to the conclusion that the vehicle was overloaded. The learned senior counsel pointed out that the insurance issued by the appellant covers only for four persons and prayed that the appeals may be admitted and notice may be issued.

On the other side, Mr H Nongkhlaw, learned counsel for the respondent-claimants, submits that it is a family vehicle and two of the family members of the owner of the vehicle died in the said accident, so this case may be considered on humanitarian ground too besides law point.

After hearing the submissions advanced by the learned counsels at the Bar, I hereby admit the instant appeals

MAC APP No.1 of 2015, MAC APP No.2 of 2015 and MAC APP No.3 of 2015, subject to payment of 50% of the awarded money by the Tribunal which shall include the money already deposited in the Registry by the appellant while filing the appeals.

Issue notice to the other respondents. Appellant's counsel to take step within three days. Notice is made returnable within four weeks. In the meantime, the impugned judgment and order dated 16.02.2015 passed in MAC case Nos. 45/46/47 of 2009, shall remain stayed until further order.

Registry is also further directed to call for the lower court case record from the concerned court.

Let the appellant deposit 50% money within a month with the Registry of the Court and respondent-claimants will submit indemnity bound with one surety.

List the case after four weeks.

JUDGE

dr

MC(MAC APP) No.1 of 2015
MC(MAC APP) No.2 of 2015
MC(MAC APP) No.3 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

In the light of the order passed in MAC APP Nos. 1,2 and 3 of 2015, these Misc. cases stand disposed.

JUDGE

dr

WP(C) No.21 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Mr P Yobin, learned counsel for the petitioner. Mrs S Bhattacharjee, learned State counsel sought further two weeks' time to file counter affidavit. Prayer is allowed. List his matter after two weeks for counter affidavit and further order.

JUDGE

dr

WP(C) No.32 of 2015

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Mr BK Deb Roy, learned counsel for the petitioner who submits that Mr Subir Sen, is one of the counsel in this case.

List this matter before any other Bench without me.

JUDGE

dr

WP(C) No.133 of 2013

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Mr B Mawlong, learned counsel informed that the conducting counsel Mr S Dey, is on sanctioned leave so the matter may be taken up on some other day.

Mr R Deb Nath, learned CGC has no objection.

List the matter after two weeks' for hearing.

JUDGE

dr

WP(C) No.143 of 2010

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Mr P Yobin, learned State counsel submits that the instant matter is supposed to be argued by learned Advocate General of the State who due to certain reasons have to leave the Court and prayed that the matter may fixed some other day to which learned counsel for the respondents M A Khan as no objection.

I observed that the instant case is pending since 2010 so none of the counsels should ask further time.

List the matter on 18.05.2014 for hearing.

JUDGE

dr

WP(C) No.168 of 2013

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Learned counsel for the petitioner Mr R Jha, is present before the Court but appears to be unwell till date. Hence, the matter is adjourned today.

Mr A Khan, learned CGC, has no objection.

List the matter after two weeks for hearing.

JUDGE

dr

WP(C) No.229 of 2014

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Miss A P Kharsahnoh, learned counsel for the petitioner and Mr P Yobin, learned State counsel.

Both the counsels submitted before this Court that pleading is complete. Post the matter for hearing after three weeks.

JUDGE

dr

WP(C) No.389 of 2014

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Miss S Pde, learned counsel for the petitioner and Mr R Deb Nath, learned CGC.

Both the counsels submitted before the Court that pleading is complete. Post the matter for hearing after two weeks.

JUDGE

dr

WP(C) No.390 of 2014

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Miss S Pde, learned counsel for the petitioner and Mr R Deb Nath, learned CGC.

Both the counsels submitted before the Court that pleading is complete. Post the matter for hearing after two weeks.

JUDGE

dr

WP(C) No.391 of 2014

B E F O R E

THE HON'BLE MR JUSTICE SR SEN

12.05.2015

Heard Mr. P Nongbri, learned counsel for the petitioner who submits that he needs two weeks' time to file rejoinder affidavit. Prayer is allowed.

Mr R Deb Nath, learned CGC is present.

List this matter after two weeks for rejoinder affidavit and further order.

JUDGE

dr