

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 27 of 2014

20.08.2014

Heard Ms. S.G. Momin, learned counsel appearing for and on behalf of the petitioner/accused, who submits that the petitioner/accused is in no way involved in this case and police has registered the case falsely against him. So, he may be released on bail with any condition.

The learned State counsel, Mr. J.M. Thangkhiew appeared for and on behalf of the State and produced the C.D before me.

The I/O is also present. The information gathered from the C.D does not inspire to consider the bail application as it appears that the accused/petitioner is absconding. Hence, the bail application is rejected and stands disposed of.

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

Accordingly, the matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 28 of 2014

20.08.2014

Heard Mr. S. Dey, learned counsel for the petitioner/accused, who submits that a false FIR has been lodged against him with the intention to harass the petitioner/accused, and also further submits that the accused person is not absconding, but attending his ailing wife. He further submits that the accused person waited 7(seven) hours to meet the Additional Superintendent of Police, West Garo Hills, Tura, but could not meet him. However, the learned counsel could not produce any medical document pertaining to the sickness or treatment of the wife of the accused/petitioner.

On the other hand, the learned State counsel, Mr. J.M. Thangkhiew appeared for and on behalf of the State produce the C.D and I/O is also present who submits that the accused person is absconding and could not be arrested till date.

I have perused the C.D and after gathering the information from the C.D, I am not inclined to consider the bail application. Hence, this bail application is rejected and stands disposed of.

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

The matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 29 of 2014

20.08.2014

Heard Mr. S. Dey, learned counsel for the petitioner/accused, who submits that a false FIR has been lodged against him with the intention to harass the petitioner/accused, and also further submits that the accused person is not absconding, but attending his ailing wife. He further submits that the accused person waited 7(seven) hours to meet the Additional Superintendent of Police, West Garo Hills, Tura, but could not meet him. However, the learned counsel could not produce any medical document pertaining to the sickness or treatment of the wife of the accused/petitioner.

On the other hand, the learned State counsel, Mr. J.M. Thangkhiew appeared for and on behalf of the State produce the C.D and I/O is also present who submits that the accused person is absconding and could not be arrested till date.

I have perused the C.D and after gathering the information from the C.D, I am not inclined to consider the bail application. Hence, this bail application is rejected and stands disposed of.

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

The matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 29 of 2014

20.08.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner, who submits that the accused person was admitted in NEIGRIHMS, Shillong since 25th July 2014 and is a heart patient. So, his bail application may be considered.

On the other hand, the learned State counsel, Mrs. N.G. Shylla produced the C.D and objected the bail application on the ground that the accused person attacked the staffs of the KHADC and made a serious injury and also argued that on mere medical ground, bail cannot be granted. The I/O present in the court also submits that the victim Mr. Teiborlang Thangkhiew is still in critical condition and further submits that, if the bail application is granted the investigation may hamper.

I have perused the C.D specifically as well as the letter addressed to the learned Chief Judicial Magistrate, Shillong dated 4th August 2014 and letter dated 11th August 2014 addressed to the Addl. Sessions Judge, Shillong. On perusal of the forwarding report, it appears at Page 15 that "Mr Teiborlang Thangkhiew was admitted at Civil Hospital, Shillong till date, he is still in a critical condition". Similarly, I have also noticed at Page 25 dated 11th August 2014 that "Mr. Mr Teiborlang Thangkhiew was admitted at Civil Hospital, Shillong till date, he is still in a critical condition".

In reply, the learned counsel for the petitioner, Mr. K. Paul produced the certificate issued by the Joint Director of Health Services (SS) Civil Hospital, Shillong dated 18th August 2014 wherein, it is clearly mentioned that Mr. Teiborlang Thangkhiew was admitted on 25th July 2014 and discharged on 1st August 2014.

On perusal of the forwarding report referred above and the certificate produced by the learned counsel for the petitioner/accused it is really shocking to me and apparent that the I/O has submitted a false report before the learned court below which is highly illegal and for which the I/O needs to be punished. However, the I/O sought apology therefore, I am not

passing any order for his suspension and warn him not to repeat such type of practice in the near future.

The Director General of Police, East Khasi Hills, Shillong as well as the Superintendent of Police, East Khasi Hills, Shillong is also directed to look into the matter and to see that no officers should place any false report before any court with the intention to harass anyone or flouts with the court's order.

After hearing the submissions advanced by the learned counsel and on perusal of the C.D, I could not satisfy myself that why bail application cannot be considered. Accordingly, the accused Paul Leong is allowed to go on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Shillong with following conditions:

1. That the accused shall co-operate with the I/O as and when necessary for the purpose of investigation.
2. That the accused person shall not leave station without prior permission of the learned Chief Judicial Magistrate, Shillong.
3. That the accused shall be bound to face trial as and when required.

Registry is directed to forward a copy of the order to the Director General of Police, East Khasi Hills, Shillong as well as the Superintendent of Police, East Khasi Hills, Shillong.

Court Master is also directed to return the C.D to the learned State counsel along with a copy of this order as well as the Lower Court case record.

With this observation and direction, the matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA. No. 30 of 2014

20.08.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner, who submits that the accused person was arrested on 25th July 2014 and is presently in judicial custody. So, his bail application may be considered.

On the other hand, the learned State counsel, Mrs. N.G. Shylla produced the C.D and objected the bail application on the ground that the accused person attacked the staffs of the KHADC and made a serious injury and also argued that on mere medical ground, bail cannot be granted. The I/O present in the court also submits that the victim Mr. Teiborlang Thangkhiew is still in critical condition and further submits that, if the bail application is granted the investigation may hamper.

I have perused the C.D specifically as well as the letter addressed to the learned Chief Judicial Magistrate, Shillong dated 4th August 2014 and letter dated 11th August 2014 addressed to the Addl. Sessions Judge, Shillong. On perusal of the forwarding report, it appears at Page 15 that "Mr Teiborlang Thangkhiew was admitted at Civil Hospital, Shillong till date, he is still in a critical condition". Similarly, I have also noticed at Page 25 dated 11th August 2014 that "Mr. Mr Teiborlang Thangkhiew was admitted at Civil Hospital, Shillong till date, he is still in a critical condition".

In reply, the learned counsel for the petitioner, Mr. K. Paul produced the certificate issued by the Joint Director of Health Services (SS) Civil Hospital, Shillong dated 18th August 2014 wherein, it is clearly mentioned that Mr. Teiborlang Thangkhiew was admitted on 25th July 2014 and discharged on 1st August 2014.

On perusal of the forwarding report referred above and the certificate produced by the learned counsel for the petitioner/accused it is really shocking to me and apparent that the I/O has submitted a false report before the learned court below which is highly illegal and for which the I/O needs to be punished. However, the I/O sought apology therefore, I am not

passing any order for his suspension and warn him not to repeat such type of practice in the near future.

The Director General of Police, East Khasi Hills, Shillong as well as the Superintendent of Police, East Khasi Hills, Shillong is also directed to look into the matter and to see that no officers should place any false report before any court with the intention to harass anyone or flouts with the court's order.

After hearing the submissions advanced by the learned counsel and on perusal of the C.D, I could not satisfy myself that why bail application cannot be considered. Accordingly, the accused Kimfa Marbaniang is allowed to go on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Shillong with following conditions:

1. That the accused shall co-operate with the I/O as and when necessary for the purpose of investigation.
2. That the accused person shall not leave station without prior permission of the learned Chief Judicial Magistrate, Shillong.
3. That the accused shall be bound to face trial as and when required.

Registry is directed to forward a copy of the order to the Director General of Police, East Khasi Hills, Shillong as well as the Superintendent of Police, East Khasi Hills, Shillong.

Court Master is also directed to return the C.D to the learned State counsel along with a copy of this order as well as the Lower Court case record.

With this observation and direction, the matter stands disposed of.

JUDGE

D. Nary

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

20.08.2014

Heard Mr. K. Ch. Gautam, learned counsel for the petitioner.

Bail application will be considered only after perusal of the C.D. Call for the C.D.

The learned State counsel, Mrs. N.G. Shylla is present.

List this matter after 1(one) week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.A. No. 4 of 2014

20.08.2014

Heard Mr. B. Bhattacharjee, learned counsel for the petitioner as well as the learned State counsel, Mrs. N.G. Shylla.

Both the learned counsels submitted that paper book is not necessary as most of the documents are typed.

List this matter after 2(two) weeks for hearing.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.M.C. No. 8 of 2014

20.08.2014

List this Misc. Case along with ***CRL.A. No. 4 of 2014***
after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.REV.P. No. 9 of 2014

20.08.2014

At the request of Mr. K. Paul, learned counsel for the respondent, the matter is adjourned.

List this matter next week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 15 of 2014

20.08.2014

Heard Mr. B.K. Deb Roy, learned counsel for the petitioner as well as Mr. B. Bhattacharjee, learned counsel for the respondents.

Both the learned counsels prays that the matter may be fixed after 3(three) weeks.

As prayed for, list this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 232 of 2014

20.08.2014

Heard Mr. Ranbir Kumar, the learned petitioner in person, who submits that, he intends to file rejoinder affidavit and for which he sought 1(one) weeks' time.

Prayer is allowed.

The learned counsel for the respondents, Mr. H.L. Shangreiso is present.

List this matter after 1(one) week for further order.

JUDGE

D. Nary