BEFORE
HON'BLE MR. JUSTICE S.R. SEN
A.B. No. 1 of 2014

21.01.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner/accused who submits that, the petitioner/accused is a Police Officer of Umiam Outpost and he has been implicated in this case without any basis. Besides that, the petitioner/accused is a heart patient and at present admitted at NEIGRIHMS, Shillong for treatment and police are looking for him to arrest him. Hence, this petition.

The learned counsel further argued that initially a bail application was moved before the ADM, Nongpoh which was rejected without examining the C.D or other documents.

Also heard learned Sr. Govt. counsel Mr. N.D. Chullai appearing for and on behalf of the State.

After hearing the submissions advanced by the learned counsel, the ADM, Nongpoh is directed if any bail application is filed by the petitioner/accused they need to call for the C.D, and after perusal of the C.D and after applying judicial mind to pass necessary order in accordance with law.

In the meantime, in the event of arrest of the petitioner/accused he may be released on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) only with one surety of the like amount, and this interim order for bail shall remain in force for the next 6(six) days.

Matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MISC.CASE No. 7 of 2014

21.01.2014

In the light of the order passed in the main case ***W.P.(C) No. 11 of 2014*** this instant Misc. Case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
W.P.(C) No. 11 of 2014
WITH MISC.CASE No. 7 of 2014

21.01.2014

Heard Mr. H.S. Thangkhiew, learned Sr. counsel for the petitioner.

Seen also the Impugned order dated 17.01.2014 which is Annexure-15 of this writ petition.

Also heard Addl. Government counsel Mr. R. Gurung.

Issue notice to the respondents to show cause as to why this instant petition should not be allowed or any other order or orders should not be passed as found deemed fit and proper.

Notice is made returnable within 4(four) weeks.

Petitioner's counsel to take necessary steps to serve the notice upon the respondents.

Since Addl. Government counsel Mr. R. Gurung appeared for and on behalf of the respondents and accepted the notice, no formal notice is called for.

However, petitioner's counsel is directed to furnish the copies of the petition, annexure, etc to the respondent's counsel in the course of the day.

In the meantime, the Impugned order dated 17.01.2014 at Annexure-15 is hereby stayed till the next returnable date.

List this matter after 4(four) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
W.P.(C) No. 12 of 2014

21.01.2014

Heard Mr. K. Paul, learned counsel for the petitioner.

Seen the application.

The learned counsel Mr. K. Paul submits that the Hon'ble High Court vide order dated 21.09.2011 in CRP (SH) No. 25 of 2011 directed the trial court concerned to hear the application of interim order which is still pending for disposal before the trial court, but unfortunately the respondents/opposite parties taking the advantage of winter vacation and holidays of the civil court started demolishing the suit premises in question. Hence, this petition.

Also heard learned Sr. GA, Mr. N.D. Chullai appearing for and on behalf of the Government.

After hearing the submission advanced by the learned counsel for the petitioner, I am of the considered view that this instant petition may be disposed of at this stage with a direction to stop immediately the demolition process.

I have perused the order dated 21.09.2011 wherein, it is specifically stated by this court that:

> ***"The trial court shall now hear the application for interim order after issuing notice to the respondent and pass appropriate order after hearing both the parties in accordance with law. The petitioner will appear before the trial court on 17.10.2011. Transmit the LC record forthwith.***
>
> ***In the meantime, the stay order passed earlier will continue".***

On bare perusal of the direction passed by this court, it is apparent and clear that there is a stay and the matter needs to be finally decided by the trial court after hearing both the parties.

Since the matter is pending and no effective order or decision has been taken by the trial court, it is hereby directed to stop the demolition process immediatley till the matter is decided

by the trial court as ordered vide order dated 21.09.2011 in CRP (SH) No. 25 of 2011.

With this observation and direction, this instant petition is allowed and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
BA No. 183 of 2013

21.01.2014

Heard Mr. S Wahlang, the learned counsel for the petitioner who submits that, the accused person namely; **Shri. Raymidi Kharsohnoh** was arrested on 13.11.13 in connection with Lumdiengjri P.S. Case No. 106 (11) 2013 u/s 3(a) and 4 of the POSCO Act, 2012 and since then he is in custody. The learned counsel further contended that, since more than 60 days has already been lapsed, definitely investigation must have been completed, so he may be allowed to go on bail.

Heard also Mr. ND Chullai, the learned senior counsel who appeared for on behalf of the State fairly submits that, after perusal of the CD, it is apparent that investigation is completed.

Therefore, in my view, if the investigation is completed, further custody of the accused person at this stage may not be necessary. As we know rejection of bail cannot be considered as a punitive measure. Trial to decide whether a person is guilty or innocent. Hence, considering the submissions advanced by the learned counsel for the parties and since investigation is completed, the accused person is allowed to go on bail with a sum of Rs. 50,000/- subject to the satisfaction of the learned Chief Judicial Magistrate, Shillong on the following conditions.

i) The accused person shall not interfere with the investigation or tamper any evidence.
ii) The accused person shall not induce or influence the victim or any witness.
iii) The accused person shall appear before the IO as and when necessary for the purpose of investigation.
iv) The accused person shall be bound to face the trail as and when necessary.

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

The learned senior counsel sought a copy of this order for on behalf of the State.

Registry is directed to furnish a copy of this order to the learned senior counsel in the course of the day.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(CRP) No. 3 of 2014 in
CRP No. 23 of 2011

21.01.2014

Heard Mr. D Das, the learned senior counsel for the applicant.

Issue notice to the respondents to show cause as to why this instant petition should not be admitted or any order or orders should not be passed as this Court deemed fit and proper.

Notice is made returnable within 10(ten) days.

However, the petitioner's counsel is directed furnish a copy to the learned counsel of the opposite party or to the opposite party by means of dasti service.

List this matter along with CRP No. 23 of 2011 and CRP No. 24 of 2011 on 04.02.14.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 4 of 2014

21.01.2014

Heard Mr. A Saraf, the learned senior counsel for on behalf of the petitioner.

Issue notice to the respondents to show cause as to why this instant petition should not be admitted or any order or orders should not be passed as this Court deemed fit and proper.

Notice is made returnable within 3(three) weeks.

Mr. ND Chullai, the learned senior counsel is present in the Court and appeared for on behalf of the respondent No. 1. The learned senior counsel also submitted that, this instant petition is not maintainable. However, maintainability of the petition will be heard and decided on the next date fixed.

The petitioner's counsel is directed to take necessary steps to serve notice upon the other respondents.

In the meantime, respondent is directed to allow the petitioner to purchase power through open access till the next returnable date so that the industry will not suffer any loss.

List this matter on 11.02.14.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 392 of 2013

21.01.2014

Heard Mr. K Paul, the learned senior counsel for on behalf of the petitioners.

Issue notice to the respondents to show cause as to why this instant petition should not be admitted or any order or orders should not be passed as this Court deemed fit and proper.

Notice is made returnable within 3(three) weeks.

Mr. ND Chullai, the learned senior counsel is present in the Court and appeared for on behalf of the respondent No. 1. The learned senior counsel also submitted that, this instant petition is not maintainable. However, maintainability of the petition will be heard and decided on the next date fixed.

The petitioner's counsel is directed to take necessary steps to serve notice upon the other respondents.

In the meantime, respondent is directed to allow the petitioners to purchase power through open access till the next returnable date so that the industry will not suffer any loss.

List this matter on 11.02.14.

JUDGE

V Lyndem