BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 21 of 2014

21.07.2014

Heard Mr. S.K. Ghosh, learned counsel appearing for and on behalf of the petitioners, who submits that the complainant and the accused persons/petitioners all are relatives and there are some civil litigation since 2004. So, they have got enmity against each other, and out of grudge the complainant filed a false FIR with Badarpur Police Station, Karimganj, Assam as well as Khliehriat Police Station, East Jaintia Hills.

The learned counsel also further contended that the accused persons are in no way involved in this instant case, so, they may be released on bail.

On the other hand, the learned State counsel, Mr. P. Yobin objected the bail application and submitted that the I/O must be given an opportunity to investigate the case and for which custody is necessary.

I have perused both the FIR filed before the Officer In-charge Khliehriat Police Station, East Jaintia Hills as well as the Officer In-charge Karimganj Police Station, Assam and I have also perused the C.D and after perusal of the documents referred above, the information I gathered does not inspire me to consider the bail application. In my view, if anticipatory bail is granted in the case of kidnapping, extortion, then it may be difficult on the part of the I/O to find the truth and therefore, I am not inclined to consider the bail application. Hence, it is rejected and stands disposed of.

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

The matter is rejected and stands disposed of.

JUDGE

D. Nary

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

21.07.2014

Heard Mr. A.H. Hazarika, learned counsel for the applicant.

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

Mr. R. Gurung, learned counsel for the State is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

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

21.07.2014

Heard Mr. A.H. Hazarika, learned counsel for the applicant.

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

Mr. R. Gurung, learned counsel for the State is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.PETN.No. 12 of 2014

21.07.2014

Heard Ms. A. Sharma, learned counsel for the petitioner.

The petition will be considered only after perusal of the C.D. Call for the C.D.

The I/O concerned is directed to be present along with the C.D on the next date fixed.

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

List this matter tomorrow i.e. ***22.07.2014***.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.PETN.No. 13 of 2014

21.07.2014

Heard Ms. S.G. Momin, learned counsel for the petitioners.

Call for the Lower Court case record bearing G.R. Case No. 140 of 2014 pending before the court of the learned Judicial Magistrate, Tura.

State counsel, Mr. J.M. Thangkhiew is present.

Let the complainant and the accused be present on the next date fixed.

List this matter after 2(two) weeks i.e. ***04.08.2014***.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 125 of 2012

21.07.2014

As prayed for by Mr. S.M. Sunar, learned counsel for the petitioner, list this matter on Thursday.

The learned Sr. counsel, Mr. B.B. Narzary is present assisted by Ms. P.S. Nongbri, learned counsel. Mr. P. Nongbri, learned counsel for respondent No. 6 and Mr. R. Gurung, learned counsel for respondent No. 1 are also present.

Accordingly, list this matter on Thursday i.e. ***24.07.2014***.

JUDGE

D. Nary

EL.PET. No. 1 of 2013

Examination-in-Chief of P.W. 12 recorded today the **21st July 2014** by Hon'ble Mr Justice S.R. Sen, Judge, High Court of Meghalaya, Shillong and examined by Mr K. Paul, counsel for the petitioner.

Name	:	Mrs. Dafika Nongrum
Age	:	23 years
D/o	:	Smti. Hatsimai Nongrum
R/o	:	Nongkrem Warbah
Occupation	:	House wife

Examination- in- Chief of PW-12

Examination-in-Chief by Mr. A. Paul, Advocate.

(Through Smti. M Rynjah, Senior Khasi Translator.)

ON OATH

I am the polling agent of the INC candidate in the election to the Meghalaya Legislative Assembly of 22-Nongkrem (ST) Constituency. I was the polling agent in polling station 28 Nongkrem-D. On the 23.02.2014 i.e. the date of election, I along with the rest of the polling agent after going to the polling station signed a Form which was given to us by the presiding Officer. Thereafter, the presiding officer showed us the CU and in the CU I have seen the identification Number 08510. Thereafter, the presiding Officer took us to the box where the BU was kept. However, there was no number on the balloting unit. I thereafter asked the presiding officer, why no number was there on the balloting unit. And I was informed by the presiding officer that the number in the balloting unit would be put later. After that, I kept silent. Later in the evening, on the same day I was given the Form 17C by the presiding officer of the polling station. On perusal of the Form 17C given, I noticed that the number of the balloting unit has not been mentioned against the relevant column in the form 17C by the presiding officer. So I again asked the presiding Officer why no number has been mentioned against the relevant column in the Form 17C where BU number is to be written and I was informed by the presiding Officer that it is not necessary as the poll has been closed. Ext-17 is the Form 17C in respect of Polling Station No. 28 Nongkrem-D and Ext-17 by 1 is my signature appearing on the body of Ext-17. After that, I was given the Form 17C and sent away by the presiding officer of the concerned polling station. After that, I have gone to the house of the candidate Shri. Lambor Malngiang and have given him the Form 17C which was given to me by the presiding officer and have also shown him that where the number of the BU is to be mentioned, it has not been mentioned. I have also told him that the BU in the polling station also did not have a number and after that I have left home.

xxx GS Massar, Learned senior counsel assisted by Mr. JM Thangkhiew, the learned counsel for Respondent No. 1

The question was asked whether the number as far as the identification of Controlling Unit is concerned, whether it is seal or written. The witness has taken a lot of time to recall such a thing and later she said that it was seal. I have seen only one box in the polling station. I never seen these kind of boxes earlier, whether Controlling Unit or Balloting Unit. I do not have or read any paper that such a number should be there but I have been given by the RO to sign. When I entered the polling station and signed one

paper. They asked me to sign to declare that I am the polling agent and nowhere in those papers which write or tell us about the number of the Controlling Unit or Balloting Unit. It is not a fact that whatever statement I made here, I have not informed the candidate about the number of the Balloting Unit and Controlling Unit and about the absence of the number of the Balloting Unit . I know the Balloting Unit.

It is not a fact that I am deposing falsely in this case.

xxx Further cross will continue after re-examination of the witness by petitioner counsel for the purpose of exhibiting of materials or any other exhibits if any

R. O. A. C.

Typed by me: V Lyndem
P.S. to Hon'ble Mr Justice, S.R. Sen