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

22.07.2014

Heard Mr. G.S. Massar, learned Sr. counsel for the applicant assisted by Mr. R.O. Lyngdoh, learned counsel.

As per the order dated 18.07.2014 the Superintendent of Police, West Jaintia Hills, Jowai, Mr. H.R. Lyngdoh is present along with the I/O and has also produce the C.D.

The learned Sr. counsel for the State, Mr. N.D. Chullai is present who submits that after discussion with the I/O it is understood that custodial interrogation of the applicant/accused is not necessary. Hence, prosecution has no objection if the anticipatory bail is granted.

Considering the submission advanced by the learned Sr. counsel for the State and the I/O present in the court, pre-arrest bail is granted with the following conditions:

1. That the applicant/accused shall appear before the I/O continuously after 1(one) week and thereafter, as and when necessary by the I/O for the purpose of investigation.
2. The applicant/accused shall not leave the jurisdiction of the court of the learned Chief Judicial Magistrate concerned without prior permission.
3. The applicant/accused person shall be bound to face the trial as and when necessary.
4. The applicant/accused 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, Jowai.

Court Master is directed to return back the C.D along with a copy of this order to the I/O concerned through the learned Sr. counsel, Mr. N.D. Chullai.

The matter stands disposed of.

JUDGE

D. Nary

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

22.07.2014

Heard Mr. G.S. Massar, learned Sr. counsel for the applicant assisted by Mr. R.O. Lyngdoh, learned counsel.

As per the order dated 18.07.2014 the Superintendent of Police, West Jaintia Hills, Jowai, Mr. H.R. Lyngdoh is present along with the I/O and has also produce the C.D.

The learned Sr. counsel for the State, Mr. N.D. Chullai is present who submits that after discussion with the I/O it is understood that custodial interrogation of the applicant/accused is not necessary. Hence, prosecution has no objection if the anticipatory bail is granted.

Considering the submission advanced by the learned Sr. counsel for the State and the I/O present in the court, pre-arrest bail is granted with the following conditions:

1. That the applicant/accused shall appear before the I/O continuously after 1(one) week and thereafter, as and when necessary by the I/O for the purpose of investigation.
2. The applicant/accused shall not leave the jurisdiction of the court of the learned Chief Judicial Magistrate concerned without prior permission.
3. The applicant/accused person shall be bound to face the trial as and when necessary.
4. The applicant/accused 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, Jowai.

Court Master is directed to return back the C.D along with a copy of this order to the I/O concerned through the learned Sr. counsel, Mr. N.D. Chullai.

The matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 24 of 2014

22.07.2014

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioners.

Bail application will be considered for disposal 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.

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

In the meantime in the event of arrest of the petitioners/accused they need to be released on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) each with one surety of the like amount.

This interim bail will continue till disposal of the bail application.

List this matter next week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 25 of 2014

22.07.2014

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioners.

Bail application will be considered for disposal 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.

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

In the meantime in the event of arrest of the petitioners/accused they need to be released on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) each with one surety of the like amount.

This interim bail will continue till disposal of the bail application.

List this matter next week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB. No. 26 of 2014

22.07.2014

Heard Mr. A.H. Hazarika, learned counsel appearing for and on behalf of the petitioners.

Bail application will be considered for disposal 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.

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

In the meantime in the event of arrest of the petitioners/accused they need to be released on bail for a sum of Rs. 50, 000/- (Rupees fifty thousand) each with one surety of the like amount.

This interim bail will continue till disposal of the bail application.

List this matter next week.

JUDGE

D. Nary

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

22.07.2014

Heard Mr. M.F. Qureshi, learned counsel for the appellants as well as Mrs. T. Yangi, learned counsel for the respondents.

The learned counsel for the appellants submits that, he is yet to prepare the paper book for which 2(two) weeks' time is necessary.

Prayer is allowed.

List this matter after 2(two) weeks' for paper book and further order.

JUDGE

D. Nary

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

22.07.2014

Heard Ms. M. Chanda, learned counsel for the petitioner, who submits that the case has been registered on the basis of a complaint filed by the complainant one Smti Chandana Thabah as Laitumkhrah P.S. Case No. 84 (5) 2014 U/S 323 as well as 506 IPC.

Subsequently, the complainant realized that the FIR was lodged on a wrong notion and desires to intend to withdraw the FIR and also filed a withdrawal petition dated 30.05.2014 which is at Annexure-VII and thereafter, she prays that the FIR as well as the subsequent proceedings may be quashed.

The learned State counsel, Mrs. N.G. Shylla is present along with the I/O concerned, who submits that since the matter has already been forwarded to the court, the prosecution is unable to close the case or to compound the case. So, necessary order may be passed.

I have perused the record before me as well as the Annexure-VII and on perusal of the record, I have gathered the information that the offence is not so serious, and when the parties desire to compromise, there is no bar to allow them as both the sections 323 as well as 506 IPC are compoundable. However, the question arises, when both the sections are compoundable, the petitioner should not approach the High Court to invoke the power under 482 Cr.P.C which is a special power given to the High Court. However, since the petitioner has approached this court, there is no bar to quash the proceedings.

Accordingly, for the reasons discussed above, I hereby quashed the FIR dated 23.05.2014 filed by the complainant as well as the subsequent proceedings if any.

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

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 52 of 2012

22.07.2014

Heard Mr. R. Jha, learned counsel appearing for and on behalf of the petitioner, who submits that he may be allowed to take fresh steps to serve the notice upon the respondent No. 6.

Also heard Mr. S.C. Shyam, learned Sr. counsel appearing for and on behalf of respondents' No. 1 to 5.

The learned counsel for the petitioner to take steps within 3(three) days.

Accordingly, list this matter after 3(three) weeks' as suggested by the learned counsels.

JUDGE

D. Nary