

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
AB.No. 31 of 2014

26.08.2014

Heard Ms. P.S. Nongbri, learned counsel for the petitioner as well as the learned State counsel, Mr. R. Gurung.

As per the direction of this court vide order dated 21.08.2014 the I/O is supposed to be present.

The learned State counsel, Mr. R. Gurung submits that he has sent the WT message but, inspite of the fact, the I/O did not turn up in connection with Jowai P.S. Case No. 167 (7) 2014 U/S 406/420 IPC. The matter is pending for quite sometime.

Of late it is again observed that the I/O is very much lack of forwarding the C.D and remain present as per the direction which is highly irregular, and if he continues, necessary action may be taken which may take contempt of the court.

The Director General of Police, Shillong is directed to instruct all the I/O and other police officials to appear in the court as and when they are directed.

List this matter after a week for C.D and appearance of the I/O.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 15 of 2012

26.08.2014

Heard Ms. A. Thangkhiew, learned counsel for the petitioner, who submits that the matter is pending before the Hon'ble Apex Court. So, the matter may be fixed after 8(eight) weeks.

The learned counsel for the respondent, Mr. R. Jha has no objection.

List this matter accordingly after 8(eight) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 20 of 2014

26.08.2014

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

Issue notice to the respondent to show cause as to why this instant contempt case should not be considered and necessary order should not be passed as found deemed fit and proper.

Notice is made returnable within 3(three) weeks.

Petitioners' counsel to take necessary steps to serve the notice upon the respondent contemnor within 3(three) days.

List this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CONT.CAS(C) No. 26 of 2012

26.08.2014

Heard Mr. K.S. Kynjing, learned Sr. counsel who also produced a copy of the order dated 19.08.2014 passed by the Hon'ble Apex Court wherein, it appears that the matter is pending before the Hon'ble Apex Court.

The learned Sr. counsel, Mr. K.S. Kynjing suggested that the matter may be fixed after 3(three) months.

Mr. S.P. Sharma, learned counsel for the petitioner is also present.

List this matter after 3(three) months.

JUDGE

D. Nary

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

26.08.2014

Heard Mr. A.S. Siddique, learned counsel for the petitioner.

Notice is served as the learned counsel, Ms. P. Riahtam appeared for and on behalf of the sole respondent and submits that she is going to file the vakalatnama today.

List this matter after 2(two) weeks for filing show cause or affidavit whatever they intends.

Accordingly, list this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRL.REV.P. No. 15 of 2014

26.08.2014

Heard Mr. S.M. Suna, learned counsel for the petitioner.

Issue notice to the respondent to show cause as to why this instant revision petition should not be considered or to pass any other order as found deemed fit and proper.

Notice is made returnable within 3(three) weeks.

Petitioners' counsel to take necessary steps to serve the notice upon the respondent.

In the meantime, also called for the Lower Court case record from the District Council.

List this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 6 of 2014

26.08.2014

Heard Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner, who submits that initially a suit was filed by the State Bank of India as plaintiff against the Branch Manager of HDFC Bank, Shillong Branch, Shillong, Mr. Rohit Kumar of Patna Sadar, Patna and the Branch Manager of HDFC Bank, Hajipur Branch, Bihar before the learned Assistant District Judge, Shillong.

The learned court below after examining the documents as well as after hearing the parties ordered for ex-parte decree of Rs. 2, 31, 160.27 paise against the defendant jointly and separately with some cost and ordered preparation of the decree. But, in the decree which is Annexure-3 at page 25 while preparing the execution form, it appears that the execution was against the HDFC Bank, Shillong Branch, Shillong one Atul Kumar Choudhury and one Mr. Niranjana Choudhury who were not the parties except HDFC Bank, Shillong Branch, Shillong in the capacity of its Branch Manager.

The learned counsel for the respondents, Mrs. T. Yangi present in the court also agreed that there may be a bonafide mistake in the Annexure-3 pertaining to the mentioning of the names of the parties.

I have perused the judgment dated 14.08.2012 wherein, it is clearly mentioned that the relief sought against (1) the Branch Manager, HDFC Bank, Shillong (2) Mr. Rohit Kumar of Patna Sadar, Patna and (3) the Branch Manager of HDFC Bank, Hajipur Branch, Bihar. Therefore, it is apparent that the name appears in the execution form against whom enforcement of the decree sought is not correct, maybe due to oversight or bonafide mistake made by the learned court below. Therefore, I feel that it is a fit case which needs to remand back to the learned Assistant District Judge, Shillong for proper correction in accordance with the law.

In the meantime, the attachment order issued dated 16.05.2013 is hereby set aside.

Court Master is directed to return the Lower Court case record immediately along with a copy of this order.

The matter stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL.PET. No. 1 of 2013

26.08.2014

Heard Mr. G.S. Massar, learned Sr. counsel for respondent No. 1 assisted by J.M. Thangkhiew, learned counsel.

Also heard Mr. G.A. Dkhar, learned counsel for respondent No. 3 as well as the learned counsel for the petitioner, Mr. K. Paul.

Al the learned counsels suggested that it is not possible for them to inspect all the documents in the strong room and suggested that they are ready to file the lists of documents one day in advance to the Court Master so that the documents may be placed before this court pertaining to the witness they desire to examine on that day.

Prayer is allowed.

List this matter on **04.09.2014** for further evidence.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
W.P. (CRL) No. 11 of 2014

26.08.2014

List this matter on Thursday i.e. **28.08.2014**.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
W.P.(CRL) No. 13 of 2013

26.08.2014

At the request of Ms. A. Kharumnuid, learned counsel for the petitioner, the matter is adjourned.

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

List this matter after 2(two) weeks.

JUDGE

D. Nary