

HIGH COURT OF MEGHALAYA

SHILLONG

Crl.A.No.1/2020 baksa

Crl.M.C.No.2/2020

Crl.M.C.No.3/2020

Knaani Tarik: 13.02.2023

Rai On·ani Tarik: 17.02.2023

Komerchand Singh Wanrieh Vs. State of Meghalaya & ors

Jeni mikkangon mamlako ra·a:

Mande Ra·ako Man·na Kragipa Justice Sanjib Banerjee, Skotong Bichal Ka·gipa

Mande Ra.ako Man·na Kragipa Justice W. Diengdoh, Bichal Ka·gipa

Mikkang Pagiparang:

Mol.molgipana : Mr. H.L. Shangreiso, Sr. Adv bakšana
Mr. R. Majaw, Ukil
Mr. A. Syiem, Ukil

Warachakgipana : Mr. A. Kumar, Advocate-General bakšana
Mr. S. Sengupta, Addl. Sr. G.A (Sorkarini Ukil)
Mr. S. Laloo, G.A (Sorkarini Ukil)
Ms. A. Thungwa, GA (Sorkarini Ukil)
Mr. S.P. Mahanta, Sr. Adv. bakšana
Mr. L.M. Sangma, Ukil
Mr. D. Dkhar, Ukil

- i) Law Journals ba uandakgiparango Ra·chakaha
u·iatanina ra·chakaniko dakahama?
- ii) Songbato chapa ka·atanina ra·chakniko
Ra·chakaha/Ra·chakkuja
dakahama:
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RAI ON·ANI

Mande Ra·ako Man·na Kragipa, Skotong Bichal Ka·gipa

Maiba ong·ronggija gital aro kadonge dakani a·selrang ia mol·molaniko
dakanio skani gnanng. Mol·molenggipa, je District and Sessions Judge·an niam

pe-anina bichal ka-aniko dake dosi on-e, patok ning'o janggi tanga gimikna ramram chipataniko dakahachim, una ua mamlako jako ra-na aro chanchianiko dakna mamung bil dongja ine janapaha.

2. Uandake District and Sessions Judge-ni niam pe-e dos dakanina bichal ka-ani bilko ra-bianio jeon dos daka cha-gipa aro pota man-gipa tribal-rang ong-achim aro apsan tribal a-jaonin ong-achim, apsandake ja-man ja-rike mol-molaniko dakpagiparang gnanng, jerangni ru-utatgniko u-isamsoa aro bench-o nambata chanchianiko man-a dakaha. Dos dake niam pe-anina ia Kachario mol-mole bianiko ta-rake bon-atgniko iani a-sel bon-kamgipa jadokrangna uandaken bon-chongdikataniko man-aha. Mingsa ba minggipin a-selrangni gimin aro nangchapgipa u-iatanirangko State-o Governor-ni bilko man-e chapa ka-e parakataniko am-rikkie sandianirango ia mol-molaniko ta-rake bon-atna dakanio peng-pangataniko man-aha.

3. Iano mol-molaniko dakenggipani mamlako jako ra-chenggipa kacharini bilko jegalaniko dakaniona re-bana skang, dingtangmancha ia A-dokni (State) ong-baani bakrangko ra-chape nianiko dakchengna. A-dokni (State) capital city Shillong-o chonbegipa jakkepsa a-a jekon European ward ine masitokachim uana agrede pilak bakrangkon tribal a-a ine chana. Khasi aro Jaintia tribe-rang A-dokni (State) bijangchi aro salaram jolo songdonga aro

Saliramchipakni a·ao Garo tribe-rang songdongskaa. Uandake, dingtang dingtang damgittam autonomous hill council-rang gnang.

4. District Council-na an·tangtangni jakchi sason ka·ani bilko aro uni ning·o rikgimin kacharirangni bidingo India-ni Niam-Retini (Constitution) Sixth Schedule-o on·aha. A·songni Niam-Retio (Constitution) Sixth Schedule-ko on·e tariania Constituent Assembly-ni bikotgipa Gopinath Bordoloi Committee-ni dakdilanio pangchake dakaha. Iani bidingo Constituent Assembly-o agansusaanirangko dakani somoio British-ni chasongoni itihis-ni ong·baaniko janapanirangko nikna man·aha jerangkon badiaba Salgro-salaram a·dokrangko ‘Ja·manchakbegipa A·jarang’ aro gipinrangko “On·titi Ja·manchakgipa A·jarang” ine mingaha aro ja·manchi Montagu-Chelmsford Report-o on·tisa nambate “Watchanga Man·gipa A·jarang” aro “Mitam Watchanga Man·gipa A·jarang” ine mingjitaha.

5. Mongsongbegipa mingsara, Sixth Schedule-o tribe-rangna an·tangtangni niamrangchi, dakbewalrangchi aro jakkalanirangchi an·tangtangni gisepo golmal ong·grikanirangko songni nokni dal·dalgipa manderangchi ba tribal council-ni bikotgipa kacharichi badiaba mamlarangna agre namgrikatanirangko dakna bilko on·aha. Chongmotan, da·o miksonge aganenggipana a·songni niam-retini (Constitution) Sixth Schedule - ni

paragraph 4 aro 5-o nangchapani ghang. Da-o janapenggiparangna, Sixth Schedule-ni paragraph 4(1) aro paragraph 5(1), 5(2) and 5(3)—rango nikna man·gen:

“4. Autonomous district-rango aro autonomous biap-rango (regions) kakket ong’e bichal ka·anio chu·gimik kamko ka·ani (Administration of justice in autonomous districts and autonomous regions):—(1) A·jatangni ning’o donggipa dingtang dingtang biaprangni kosako Regional Council-chi bil gnange chalaia, uandaken bil gnange aro niroke kam ka·na gita district damantion District Council-rangko Regional Council-chi bilko on’e songaha, District inon seokgimin a·jatangni ning’o donggipa biaprangko miksonga aro District damantini ning’o village council-rangko ba Court-rangko Regional Council-ni on·gimin bilo pangchake seokskaa. District-tangni ning’o donggipa Schedule Tribe a·brini jat manderangni gisepo badi ka·ani aro mokordoma chalaiani bidingo kakket raiko on’a gita on·gimin niam Schedule-ni paragraph 5-ni sub-paragraph (1)-o pangchake A·dokni Court-rangna agreba, village Court-ni presiding officer-rangna aro memborrangna kragipa mandeko seokna man·gen aro Schedule-ni paragraph 3-ni niamo pangchake niamrangko chalaina uandakgipa officer-rangko nangnika gita seokna bil man·gen.

(2)

...”

5. Regional aro District Council-rangna aro badiaba kachari aro officer-rangna matnange aganani (suits), mamla ka-ani aro dos dakanirangko bichal ka-na Code of Civil Procedure, 1908, aro Code of Criminal Procedure, 1898 ni ning-o bilko on-anirang. – Governor, autonomous district ba je biapoba (region), ong-enggipa niamoni matnange agananirang ba mamla ka-anirangko bichal ka-aniko dakna ba dos dakanina sianiona sasti on-na, janggi tanga gimik gipin biapona wate galatna, ba Indian Penal Code ba gipin niamrangni ning-o bilsil bongana komigija patok ning-o chipatna indakgipa district ba biapo(region) nangekipana ua somoio jakkalna District Council ba Regional Council-na district-ni ba biapni (region) kosako bilko on-a ba je kacharirangkon District Council bikota ba je officer-kon uana Governor seoka una Code of Civil Procedure, 1908-ni ning-o ba mamlani kri, Code of Criminal Procedure, 1898-o nangnikani kri bilrangko on-a. Uandake janapgimin Council, kachari ba officer matnange agananirangko, mamla ka-anirangko ba dos dakanirangko on-gimin bilo pangchake kamko ka-gen.

(2) Ia paragraph-ni sub-paragraph (1) ning-o District Council, Regional Council, kachari ba officer-na on-gimin jeba bilko Governor ra-galna ong-jaoba taridapna man-aba gnang.

(3) Ia paragraph-o mesokani gita autonomous district ba jeba autonomous a-jarango jeon ia paragraph-ni niamrangko jakkalgen,

Code of Civil Procedure, 1908, aro Code of Criminal Procedure, 1898, ko bichal ka-anirangna jakkaljava.

(4) ...”

6. Meghalaya a-doko Regional council dongja. A-bachengo janapgimin gita, A-doko songdonggipa jat dolgittam dintang dintang damgittam district council-rangni ning-o man'gopea. Parake agangenchimode, a-dokara skango Bengal Presidency-ni ning-o ong-achim, uni ja-mansa Britishni sason ka-ani somoio Assam a-dokni ning-o ga'akeaha, indaken 1972 bilsio Meghalaya a-dok dintang ma-ekna skang India jakgitelani somoioba Assam a-dokni ning-on ong-baaha. 1972 bilsionisa bang-a a-bachenggipa district-rangoni dintang dintang dake ma-ektoke aro unoni sualgrike a-doko dam 12 administrative district-rang dongaha.

7. Sixth Schedule baksa A-songni Niam Retiko (Constitution) ra-gatan somoio, 5-gipa paragraph-o indake parakani gnang, Code of Civil Procedure, 1908 ba Code of Criminal Procedure, 1898-ko (ja-manchi 1973-gipa ong-skaaha) on-sogimin niamrango name janapaniko dakjaskal jakkalaniko dakna man-jawa. Niam-retini (Constitution) Sixth Schedule-o dongimin paragraph 5(1)-o janapani gita Governor an-tang nangnika gita je Code-oba pangchake uandagipa bilko jakkalna on-na man-a; indiomangba A-songni

Niam-reti (Constitution) aro Sixth Schedule-ko a-bachengatna skang, giticham ong'enggipa niamrang, mongsongbate, Khasi aro Jaintia Hills, 1937-ni Rules for the Administration of justice and Police-o, niam pe-e dos dakgipa mamlangnasan (criminal matters) Criminal Procedure Code-ko seanirango ong'gija gisik ka tong gimikchi ja rikna nanga ine janapaha. Iano serikanirango indake talapatna man-gen bichal ka-ani kamrang Garo Hills-oba aditan apsanaia, indiba ia mamla Khasi aro Jaintia Hills-oni a-bachengani gimin iano Garo Hills-ko janapna nanganganiko nikbreja. 1937-ni agangimin Niamrangko ua somoio ong'enggipa Assam a-jani Governor 1874-ni Scheduled Districts Act XIV-ni Section 6-ni ning-o parakatman-aha aro ua niamrango Khasi A-dokrang (States) ine segipako gale United Khasi Hills aro Jaintia Hills district gimiknan dakaha ine u-iatanio parakataha. India-ni Niam-Retiko (Constitution) chu-gimik ra-gatna salsa skang, Khasi Syiemship (Administration of Justice) Order, 1950-ko January 25, 1950 tariko wate sokataha. 1950 bilsio sokatgipa Ge-etani, United Khasi aro Jaintia Hills district-rango donggipa a-damrangko aro gipin Khasi a-jarangko 1937 Niamchi (Rules)-damsan man-gopataha.

8. Beben 1937 bilsini Ainrang (Rules) da-o dongjahaoba, Supreme Court (1966) 3 SCR 830 (State of Nagaland v. Ratan Singh)-ni mamlana Rai on-anio ja-rikangtaina nianiko dakaha aro indake agangimin Rules-ko da-onaba

jakkalani ong·engkua. Uandake jensalo A·dokko (State) Meghalaya Act No. 6 1972-o man·chapataha, unon 1937 Rules-ko February 22, 1972 bilsioni ra·gatataha.

9. Da·o agangrika ba chanchirimao pangchake, 1937 bilsini Rules-o donggipa Rule 1A-ni ning·o indake chu·ongbee seaniko nikna man·a, Governor civil ba criminal mamlarangni bidingo, gimiknan ba badiaba mamlana ba mamlarangna bichal ka·aniko dakna Additional Deputy Commissioner-ko seokna bil donga, aro indakgipa mamlarangna Deputy Commissioner-ni gimik ba badiaba bilrangko Additional Deputy Commissioner jakkalna man·skaa. Skangode, Deputy Commissioner-rangko A·song gimikon Collectors inesa ma·siachim, indiba da·o uamangko mongsongbate District Magistrates ine aganskaaha. Uandake ia dongtobegipa A·dok (State) jeon nitobegipa damgittam a·brirangchi nangrimgrikatachim, District-ko re·dilani kamko Deputy Commissioner-chi dakbaenga.

10. 1937-ni Rules-o donggipa Rule 16-o indake janapani gnan, maiba dos dakgipako bichal ka·e rai on·na Deputy Commissioner, uni Assistant-rang ba sardar-rang, doloi-rang aro dingtang dingtang jatrangni gipin bil man·gipa songni dilgiparang kamko ka·chakatna man·a. Aganbagimin 1937-ni

Rules-o donggipa Rule 17-ni gita, Deputy Commissioner mangmangsan siani sastiko on-na, biap gipinona wate galatna ba dosni kri baditana patoko dongen uko tik ka-na bilko man-a. Siani sasti baditana jrime ong-a, dosi gnganggipa mandeko gipin biapona jitani aro bilsni ba una bate patoko donaniko skang ua somoio ong-gipa Assam-ni High Court-chi tik ka-a. Chonchongipa mamlarangko Deputy Commissioner-ni bil on-achi sardar-rang, doloi-rang aro songoni bil man-gipa dilgiparang jako ra-na nanggen. Assistant-ni jeba chanchianiko Deputy Commissioner-o mol-molaniko dakena man-gen. Rule 21-ni ning-o mol-molanina dongimin seanirango “Assistant” ingipa kattara, sardar-rang, doloi-rang aro gipin songo bil man-e dilgiparangko man-chapan baksa chonchona mamlarangko nirokna Deputy Commissioner-ni dingtangmancha manderangko seokgipa ong-a. Criminal Procedure Code-o pangchake on-gipa dorgastona, agangimin 1937-ni Rules-o donggipa Rule 23-o indake parake seani gngang je, Deputy Commissioner aro uni Assistant-rang “district-ni obostarango pangchake ba niamrang baksa re-e Code of Criminal Procedure-ni bilchi dilako man-gen.”

11. Kosako janapbagimin gita, 1950 bilsini Order sokgipao, Shillong municipality aro Cantonment-na agre United Khasi aro Jaintia Hills district baksana Khasi A-jarangko man-chapaha. Uandakgipa 1950-ni Order-o Khasi

Syiemship-ni donganiko ra-chakaha jeon Syiem-ni miksongara United Khasi aro Jaintia Hills district jekon Khasi A-ja ine agana uani ning-o ong-gipa gimik Khasi jatrang ba ma-chongrangni skotong dilgipa ong-a. Agangimin 1950-ni Order-o ain-ko pe-gipa mandena sastiko on-aniko Deputy Commissioner ba Additional Deputy Commissioner aro uni Assistant-rang aro iarangna agreba Syiem-rangni kachario bichal ka-aniko dakatna man-a ine janapani gnang. 1950 bilsini agangimin Ge-etanini(Order) Rule 3-o, Indian Penal Code-ko jakkalanio baridapataniko dakaha jedakode Assam a-dokni(State) gipin biaprangoba jakkalna man-gen. 1950-ni agangimin Ge-etani (Order)-ni Rule 16-o Syiem-ni kachari aro uni sasono ga-akgipa biaprangko talata aro sub-rule (2)-gipao Indian Penal Code-ni ning-o ba jeba gipin niamni ning-o ong-katgipa mamlarang jerangan sichina sasti on-gipana, gipin biaona wate galatgipana ba bilsil bongana sasti on-e patok noko chipatna nanggipa mamlarangna agrede Syiem-na uni a-jani ning-oniko jako ra-na nangchongmotataha jeon Khasi jatrang songdonge a-arangko jako ra-achim.

12. Chu-sokbatatna iano seaniko dakenga indake Shillong municipality-ni ning-o man-chapgipa a-arang aro Cantonment-na agrede United Khasi aro Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953-ko pilak Khasi Hills Autonomous District-o donggiparangna ra-gataha.

Rule 4-o kacharirangni gadangrangko mesoka jeon pyramid-ni ka-mao songni kachariko done, subordinate (ongipa) district council court-rang aro additional (on-chapgipa) subordinate district council court-rangko three-tier system-ni bijangchio done aro district council court aro additional (on-chapgipa) district council court-ko chalaigipa dake done talataniko on-aha. 1953 Rules-ni (Ain) Rule 9-o Khasi Hills Autonomous District-na ge-sangipa district council court-ko dakna chanchiaha. Kachario bilrangko jakkale kam ka-engon, songni kacharina Penal Code-ni ning-o dos dake ra-bagipa mamlana bichal ka-aniko dake patok ning-o chipatna bilko on-jaha maina songni kacharide patoko chipatna ge-etaniko on-na bil dongja aro tangka gamna nanganiko batbegipan Rs. 150/- ona bariatnasa man-aigen. A-ja ning-o niam pe-e rakbegipa dosko dakgipa (criminal) mambarangna jekon songni kachari bichal ka-aniko dakna man-jachim uko 1953-ni Aino (Rules) Subordinate (onkalgipa) District Council Court-rangna jako ra-na bilko on-skaaha. A-jani ning-o niam pe-e rakbegipa dosni (criminal) mamla jekon songni kachari ra-na man-jachim uko Additional (on-chapgipa) District Council Court-rangna ra-na bilko on-aha. Badiaba obostarangosan indakgipa bilrangko jakkalna man-ani dongja. Minggipin niamko nina nanganiara, 1953 Rules-ni (ain) Rule 58- ni ning-o agangimin Ge-etani 1950 ra-galatako man-aha.

13. Kachario chanchia ba tik ka-anirango bang-a gipin niam dakanirango janapgenchimoba, iano dingtangmancha u-ina nanggipa ain-ni bakde uan Meghalaya Judicial Service Rules, 2006 ong-a. Schedule-'A'-ni dakgimin ain-rango District aro Sessions Judge-ni post-ko minganiko janapaha. landakgipa post - rangna nangchongmotgipa lekka-porani gadangara A-songni gipin biaprango District aro Sessions Judge-na nanga gitan apsan ong-a.

14. Iano mol-molenggipani aganani gita, A-songni Niam-Retini (Constitution) Sixth Schedule-ni paragraph 5(1)-ni ning-o on-gimin bilko Meghalaya a-dok Assam-ni ning-o ong-kuengon Assam a-dokni (State) Governor ia bilrangko jakkalaha aro jensalo Meghalaya gital a-dokko man-aha unon ja-man u-iatanirango on-achi bilrangko jakkalangaha. Mamlao bak nanggipa manderang (Parties) ia mamlana ra-chakna bang-a u-iatanirango ra-baaha jean February 27, 1989 tariko chapa ka-gipao Khasi Hills District Council Court-ni Judge-na "siatachi sastiko on-na nanggipa mamlana, dosi on-gipa mandeko gipin biapona wate galatna nanggipana aro bilsa bongana komigija patoko donna nanggipa mamlana jekon Indian Penal Code-ni ning-o bichal ka-aniko dakna nangachim ba jeba niamrangni ning-o pangchake Khasi Hills Autonomous District jakkalna nangeachim ua somoiona" Governor bilko on-aha. Apsan dakgipa u-iataniko November 20, 1989 tarikoba on-aha, jeon

February 27, 1989-ni u-iatanio gita seokako man-gipa mande kamko wate re'angon Khasi Hills Autonomous District Council-ni District Council Court-ni Additional (donchapgipa) Judge-ba apsandake bilko jakkalna man-a. Apsangipa u-iataniko Khasi Hills Autonomous District Council Court-ni Judge-ni (Bichal ka-gipani) bimingo apsan bilko on-achi April 21, 2006 bilsio sokataha. April 21, 2006 bilsion, Khasi Hills Autonomous District Council Court-ni Additional Judge-naba apsan bilko jakkalna on-aha. March 29, 2007 bilsio, changsatai, A-songni Niam-Retini (Constitution) Sixth Schedule-o paragraph 5(1)-ni ning-o, Governor Khasi Hills Autonomous District Council-ni Magistrate-na Code of 1973-ni ning-o dongimin niam gita, Judicial Magistrate, First Class-ni bilko on-e Penal Code-ni ning-o ba gipin ainrangni ning-o Khasi Hills Autonomous District Council-o jakkalna nanggipa mamlangna ua somoiona bilko on-aha.

15. August 10, 2011 tariko Governor-ni ge-etanio, District Council Court, Shillong-na minggimin Judge-ni bimungko ra-chakaniko on-aha, jedakode "siatachi sasti on-na nanggigipa mamlangna, janggi tanga gimikna gipin biapona wate galatanina ba bilsio bongana komigija patoko chipatna nanggipa mamlangna Indian Penal Code-ni ning-o ba gipin niamrangni ning-o ua somoio Khasi Hills Autonomous District Council-o bichal ka-aniko

dakna man·gen. Indiomangba, bang·gija somoirangni ja·manon September 28, 2011 bilsio, District Council Court·oni ong·gija judiciary·ni gadangrangoni Judicial Officer sakgittamna Code of 1973·ni ning·o janapani gita Judicial Magistrate, First Class·ni bilko banona jakkalna man·genchim uko on·angaha. Uandakgipa September 28, 2011 bilsio sokatgipa u·iataniara skang on·gimin u·iatanini palo apsan East Khasi Hills district·ni ning·ona on·gipa bil ong·a ine janapaha. September 28, 2011 bilsio u·iatgipao, agangimin 1937·ni Rules (ain) aro 1950 bilsini Ge·etaniko sechapaha aro chapa ka·anina Gauhati High Court·ni ra·chakaniko janapaha, indiba A·songni Niam·Retini (Constitution) Sixth Schedule·ko mamung janapani dongjaha. May 29, 2014 bilsio Governor·ni ge·etanio, 1937 bilsini Rules (Ain) aro Meghalaya Autonomous Districts Administration of Justice Act·ni (1960 bilsini Assam Act XIV jekon Meghalaya·ba taridape ra·gatahachim) bilo pangchake West Khasi Hills district·o judiciary aro executive·ko dingtangrikatna minggipin u·iataniko chapa ka·ataha. landakgipa uiatanio, Mairang (Civil) Sub·division·na agre, District aro Sessions Judge, Nongstoin·ko “pilak siatachi sasti on·gni mamlana, janggi tanga gimik patoko chipatanina ba bilsio bongana komigija patoko chipatani mamla jerangan Indian Penal Code ba gipin niamrangni ning·o mamla ong·achim, ua somoio

District-o bichal ka-e rai on-na Additional (Donchapgipa) Deputy Commissioner, West Khasi Hills District” dake songaha.

16. Uandakgipa u-iatani May 29, 2014-o pangchake, mol-molaniko dakenggipa sing-doaniko dakaha maina Criminal Procedure Code-ko ua nanggipa somoio A-doko (State) u-iatani dongkuja aro Code of 1973-ni Section 9-o Sessions Division donggija ong-naba man-achim aro uni a-selan District and Sessions Judge-ni biap dongkujawachim. Gnigipa ra-bianiko dakaniara, bilongbee ka-namgija aro misilgipa dos dakani mamlarangko jako ra-na August 10, 2011-ni u-iatanio Bichal Ka-gipani bimumngko minge bilko on-manaha; indake Governor an-tangni bilko jakkale jeba gipin kachari ba officer-na, on-gimin biloniko bak dake on-na bilko man-jawa. Sixth Schedule-ni paragraph 5(1)-ko poraianio mol-molenggipani nikani gita, pilak bilrangkon kachari ge-sana ba officer saksanasan on-na man-a aro bilko on-anio bak ka-ani aro bang-a kachari ba officer-rangna on-dimani dongja. Bon-kamgipa jera ra-aniko dakanio maiba ka-dingatanirang ong-genchimoba indake nikna gita man-a, A-songni Niam-Retini (Constitution) Sixth Schedule-ni paragraph 5(1)-o kachari aro officer-ni gisepo dingtangrikani gnang.

17. May 29, 2014 bilsio u-iataniko ong-katatgipao rongtalen janapaha indake iandakgipa u-iatania skang on-gimin pilak u-iatanirangni kosako East Khasi Hills district-ni ning-o ga-akgipa mamlangna dakdapgipa u-iatani ong-a.

18. Iako dakangkuna miksonge, District Council Court, Shillong-ni, Additional Judge-ko bimung minganiko dake ka-saningija dos dakgipa mamlana bichal ka-na March 17, 2015 bilsio u-iatanio bilko on-aha. Minggipin un ja-man ong-katgipa u-iataniara December 10, 2015-o ong-a; jeon District Judge ine dongimin Judicial Officer-ko bimung minge pilak ka-saningija dos dakgipa mamlangko bichal ka-na Ri-Bhoi district-o Additional Deputy Commissioner dake seoke bilko on-skaaha. Ua u-iatanio indake parakani gnang, Governor je bilkon jakkala uan A-songni Niam-Retio (Constitution) donggipa Sixth Schedule-ni paragraph 5, 1937-ni Rules, Act of 1960-rango pangchaka ine talataha. Ua u-iatanio, skang Ri-Bhoi district-na nangchapgipa niamrangna on-gipa u-iatanini palo donskagipa ong-a ine taldapataha.

19. Mol-molenggipani aganani gita, A-songni Niam-Retini (Constitution) Sixth Schedule-o pangchake District Council Court-ni a-jarangni ning-o tribal jat aro sakgipin tribal jatni gisepo golmal ong-gipa mamlangna District Council Court-rango jako ra-na man-na gita chanchisamsoe skang u-iatgipa August 10,

2011 bilsio Governor District Council Court, Shillong-ni minggimin Judge-na chu-gimik bilko on-aha aro uko ja-rike December 10, 2015 bilsio ong-katgipa u-iataniara maiba ong-ronggijanio ga-akaha. A-songni Niam-Retio (Constitution) donggipa Sixth Schedule-ni paragraph 5(1)-o Governor-ni bilko janapaniara maiba gualni ong-aha ineba mol-molgipa janapaha. Mamlako dakanganio, mol-molenggipa indakeba janapaha December 10, 2015, bilsini je u-iatgipaon niam gita je bilkon dingtangmancha judicial officer-na bimung minge on-ahachim uara ua officer-nasan ong-a darang gipin officer-ba uni palo kamko jako ra-e ka-rikna man-jawa.

20. Bon-kamgipao minggittam u-iataniranga February 12, 2016, February 7, 2017 aro May 3, 2018 ong-a. landakgiparango ni skangipa u-iatania, West Jaintia Hills district-o ka-saningija dos dakaniko bichal ka-anina ong-a. Gnigipa u-iatania, Shillong-ni District Council Court-o Additional Judge-ni bidingo ong-a. Gittamgipa – ian golmal gnanggipa u-iatani ong-a jekon May 3, 2018 bilsio ong-katataha aro jeo pangchaken ia ka-namgija dos dakgipa mamlako bichal ka-aha. U-iataniko iano bon-e nikangna man-gen:

“No. LJ (A) 77/2000/Pt.I/30- Rules for Administration of Justice and Police in the Khasi and jaintia Hills, 1937-ni rule 1-A-ni ning-o on-gimin bilko jakkalanio aro unbaksana

Meghalaya Autonomous District Administration of Justice Act (Meghalaya-ni ra-gatgipa aro taridapgipa 1960-ni Assam Act XIV)-ni Section 2-ni sub-section (1)-o, Constitution of India-ni sixth Schedule-ni paragraph 5-ko poraiode uano pangchake District & Sessions Judge, Ri-bhoi-na Additional Deputy Commissioner, Ri-bhoi-ni bilko on-e pilak dos dakanirangko bichal ka-anio siatachi sasti on-gnirangna, Indian Penal Code-ni ning-o bilsa bongana komigija patoko chipatanina ba gipin niamrangni ning-o District-o ong-gipana ua somoio dikdiksana bilko on-aha aro aganbagimin district-ni Assistants to the Deputy Commissioner-ni chanchigimin pilak Civil mamlarang, Criminal revision mamlarang aro appeal (Mol-mole bianiarang) ba uandakgiparangko jako ra-na on-aha. Governor indakeba ge-etna namnikaha, uandakgipa District & Sessions Judge, Additional Deputy Commissioner ong-e kosako janapgimin miksonganirangna Deputy Commissioner-ni Judicial power-ko district-ni ning-o kamko jako ra-aoni dipet jakkalaniko dakanggen.

Ian kosako janapgimin niamrangni ning-o Ri-Bhoi District-na, skang on-gimin pilak u-iatanirangni kosako taritaigipa ong-a

21. Ia mamlao dos dakanina rai on-aniko December 16, 2019 tariko parakataha aro apsan salon dos dakgipani man-na nanggipa sastikoba poraiataha.

22. An-ching iano minggni a-selrangko gisiko dona gita nangenga. Skangipa, executive wing-oniko kachariona Judiciary-ni bilko ka-sine aro ru-utate dingtangani ong-a, Jean A-songni Niam-Retirangni (Constitution) Sixth Schedule-o gita District Council Court-rang ba ka-rongbewal kacharirang ong-chong, Niam-Retini (Constitution) Sixth Schedule-o seani gita dakani dongja (de hors). Gnigipa nikaniara, State-o District Council Court-rang aro ka-rongbewal kacharirangko apsangrik ba ka-badegija kam ka-a gita nika jerangkon chu-gimik Sixth Schedule-ni ning-o man-gopa.

23. Iano mol-molenggipani jajaanirangna kan-dike indiba kra-e aganchakna *de facto* (chongmot) doctrine-ko ra-chape aganani ong-a, maina technical kamrango aro mol-molenggipani nikanio gualanirang gnang ine janapanirang donggenchimoba chongmotgipa miksongania niamko dingtang dingtang aino, ge-etanirango aro u-iatanirango on-ania dingtangmanchagipa criminal case-rangna ba niam pe-e rakbegipa dosko dakgipa mamlarangna bichal ka-na A-songni Niam-Retirangni (Constitution) Sixth Schedule-ni paragraph 5-o pangchake bilko bikote on-na ong-a. Iana agreba, *de facto* doctrine-ko ia mamlana jakkalanio krabegipa ong-a maina ia mamlara darang gipinni mamla ong-ja aro indake ia ka-namgijagipa mamlako doctor-rangchi ba accountant-

rangchi ba kam ka-e nimgimin ong-gija ong-engipa judicial officer-rangchi Code of 1973-ko done knaaniko dakaha.

24. Iana krobatgipa aganchakani gnang; indiba uko aganna skangba ia A-doko ain-ni kam ka-anirango namdapaniko nikchengna nangenga. Batangimin sal somoirango je ja-ku de-anikon A-dokko nambatna dakahachim ua namen katchaaniko on-aha; Code of Civil Procedure, 1908 aro Code of Criminal Procedure, 1973-ko A-doko September 20, 2022 tariko dingtang dingtang u-iatanio ong-katataha. Code of 1973-ni Section 1(2) –o on-gimin bilo pangchake Governor-ni bil on-aniko man-e ong-katagipa u-iataniko iano mesokatenga:

“No. LJ (B).67/88/397- Executive-oniko Judiciary-ko chu-gimik ma-ekatna miksonganio aro Code of Criminal Procedure 1973-ni Section 1-ni subsection (2)-o on-gimin bilko jakkalanio, (Act 2 of 1974) Meghalaya-ni Governor, Code of Criminal Procedure, 1973-o dongimin niamko Meghalaya A-doko (State) Kacharirangna bilko jakkalangaha. District Council Court-rang India-ni Niam-Retini (Constitution) Sixth Schedule-o on-gimin paragraph 4 aro 5-o pangchake bilrangko jakkalangkuna man-gen.

“Uandakgipa bilrangko jakkalna on·genchimoba, Meghalaya-ni Governor indakeba ge·etaniko on·aha, kacharirangni pilak kam ka·anirang Meghalaya gimikon Rules for the Administration of Justice in the Khasi and Jaintia Hills, 1937 aro Rules of Administration of Justice and Police in Garo Hills, 1937-ni ning·o Code of Criminal Procedure, 1973-ni nangchapgipa niamrango pangchake dakna nanga.”

25. Mol·molenggipani janapgipa ainrangni bidingo chanchianiona re·bana skang, iako indakeba u·ina nangenga, A·dokni (State) tang·doanio mongsongbate sanna banako on·ao, lekka·porao, kam man·anirango, kharkhanao aro bang·a gipin bakrango ja·man chakengnaba gnang; indiba iano songdongiparangko ja·man chakenggipa ba uandakgipa obostao ong·kuenga ine agana gita man·jawa maina indakachi songsaro gipinrang baksa nangrimaniko chelata. Badiaba State-ni bakko ba North-East gimikko man·gope “Ja·manchakbegipa A·jarang” ba “On·titi Ja·manchakgipa Adamrang” ine kragija chanchianiko dakna nangjawa . Meghalaya A·dokni manderang kusi ong·gipa aro ong·telaigiparangna ka·sagipa aro manigipa ong·a; indiba uamang chasong gitalni information aro technology·o aro FMCG-ni namgnirangko kona noksikranganon man·taigipa ong·skaa. Beben iano songdonggiparang, a·songni bang·a bakrango namroro silroroaniko man·a gita gipin galchipa

man·gipa North-East Adokrang gita man·pana skani donga; indiba ia A·dok skang songdongchenga gita mamung dakeba ong·jaha. Kan·dike aganskaode, gipin songsar baksa nangrimgrikanio chu·sokaha.

26. Maiba jajaani aro taldapna nanganirangko mol·molgipani iano sing·doanina A·songni Niam-Retini (Constitution) Sixth Schedule-o donggipa minggni mongsongipa paragraph-rangoniko nigrike talatna nanggen. District Council Courts-rang baksa autonomous district-rangni kam ka·anina mamung jajaani gian paragraph 4-o bilko pakwatman·aha; indiba iandakgipa bilara caveat gegnichi talataniko mesokeachi ong·gen jeon “mamlao bak man·chapgipa pilak manderang je a·jani ning·o je Schedule Tribe-o ong·achim” aro “matnange seaniko ra·bana aro mamla segateanina agreba ia Schedule-o paragraph 5-ni sub-paragraph (1) o janapgipa niamrang gita ong·na nanggen. Gnigipa miksongani “cases” ingipa kattara pilak kamrangon ong·a jeon apsan Schedule-o paragraph 5(1)-o matnange seanirangna agreba man·chapea.

27. A·songni Niam-Reti-ni (Constitution) Sixth Schedule-o on·gipa paragraph 5-o niam pe·e dos dakgipa mamlarang aro dingtang niam pe·e ka·namgija dos dakgipa mamlarang jeon dos dakanina bichal ka·achi siaona sastiko on·ani ong·a, janggi tanga gimikna gipin biapona wate galatani ong·a ba

bilsi bongana komigija patoko chipatani ong-a uarangko rongtale dingtangrikaniko talataniko on-a. Uandakgipa bilrangko district council-na on-a jeonan disctrict council bil man-a ba kachari jekon district council bikotaha ba je officer uana Governor-chi seokako man-e kamna donatako man-achim. Iano regional council dongjani a-sel, niam gita regional council-rangna wataniko dakjaha.

28. A-songni niam-retini (Constitution) Sixth Schedule-ni Paragraph 5(1)-ni bon-chotgipa jako, Governor-ni jakchi bil on-aniko man-osa niam pe-e jrimbegipa dos dakani mamlangna nangegipa kachari ba officer bil on-gimino pangchake ra-na man-gen ine mongsongbate janape seaha. Minggipin kattarangchi agangenchimode, a-songni niam-retini (Constitution) Sixth Schedule-ni paragraph 5(1)-o janapani gita bilrangko dakna on-kujana kingking indakgipa bilrangko jakkale kamrangko ka-na man-jawa. Uan ong-na amgipa talatanisan ong-aia maina agangimin Schedule-ni paragraph 4-o jeon pilak bilrangko village council aro District Council-na on-manahachim uandakgipa bilrang Schedule-ni paragraph 5(1)-ko jakkalna nanggipao matnanganirangko ra-baaniko knaanio aro mamlako ra-anio ra-galatako man-e bilgriatako man-a. Minggipin, bilrangko nangegipa District Council ba District Council-ni bikotgipa kachari ba sakgipin officer jekon indakgipana Governor-chi seokako man-achim

uandakgipana bilko on·a man·aba gnan. Indiomangba, ian rongtalbee nikna man·a, nangchapgipa niamo seani gita bilrangko nangchapgipa District Council ba District Court-na on·a man·a indiba indakgipa bilrangko badiaba officer jekon Governor una seoke donatahachim uanaba bilrangko on·na man·gen ine gisiko donna nanga.

29. Golmal gnanggipa u·iataniko nigija a·bachengna skang, minganti bilrangko dingtangmancha District Council Court-na ba minggimin officer District Council-ko nirokenggipana ba badiaba mande jekon Meghalaya Judicial Service Rules, 2006-ni gita District Judge ong·na seokako man·achim uarangna on·aniko nikna man·a. Mamung jajagijan District Judge jean agangimin Niamrang,2006-ni gita seokako man·achim mamlarangko District Judge-rangni ra·a gitan ra·na ga·aka. Changsatai, ua somoio golmal gnanggipa u·iatanirangko da·o dipet nianiko dakgija, ia State-o Code of Criminal Procedure, 1973-ko gisik ka·tong gimikchi ra·gatani dongkuja aro a·songo bichal ka·aniko donani bewal District Council Court-na jakgitele dakna on·ana agre a·song gimiko gitan ianoba apsana ong·a. District kachari baksana uni ka·mao gadang gadang kacharirang gnan. High Court-ara District kacharirangko niroke kamrangko ka·a aro Supreme Court-ara pyramid-ni ku·choto ong·e pilak bichal ka·ani bidingo mongsonggipa kamrangko ka·a.

30. Uni gimin, u-iatanirango dingtangmancha badiaba District Judge-ko mingama ba District Judge-ni ka-chakram office-ko miksonge janapachima uko Governor-ni palo bilko on-anio officer-kosa seoke on-aniko nina nanga. Kakketde uan Code of 1973-ko u-iata donggijanio, mamlako (niam pe-e dos dakani) Code-ni Section 9-o gita gadang gadang dake ra-na parakani grianio indakgipa Code-ni gamchatani banggijasan ong-aigen. District & Sessions Judge ong-na Governor-ni jakchi donatako man-a jekon High Court bimungrangko watata. Governor-ni bilrangko on-ania ua mande post-ko ra-enggipana ong-na man-a ba ua kamo asonggipana miksongeba ong-a.

31. Mol-molaniko dakenggipani warachakaniko dakanio mamung ja-pang dongja maina jensalo A-songni niam retini gita Sixth Schedule-ni paragraph 5 (1)-o pangchake kacharina ba officer-na bilko on-manahaode, Governor-ba dingtangmancha una on-gimin bilni bakko ra-e badiaba kacharina ba officer-na bilko on-aniko dakna man-ja. Beben, indakgipa bilrangni bon-chongdikatako poraiman-ania chanchianio rabianiko ong-ata aro namedake kakket ong-e raiko on-anio ong-sianiko ra-baa. Mesokna gita, badiaba mamlana, kachariko nirokenggipa bichal ka-gipa ba minge donatako man-gipa officer mamlako jaktango ra-na siggijani dongengnaba gngangchim. Maibakai, ua mol-molaniko dakenggipani aganani ja-pangrangko ra-chakna siengachim unon ua mamlako

gipin kachari ba officer-na on-na man-jawa aro indake ong-genchimode Schedule-ni paragraph 5(2)-ni niamni kosako re-ani ong-a. Badiaba mamlako sakgipinna on-ara maiba a-selrangosa ong-na man-a ine agana man-ja aro indakgipa bilko on-gimin seanirango janapani dongjagenchimode dakna amja. Badiaba mamlako sanaba ba badiaba kacharina bil gninggipa on-genchimode, uan sakgipinna bikote on-na gimikna ge-etani gninggipa ong-na nanga.

32. Apsan dake, Governor-ni biltangko jakkale mitam bilrangko on-anio mamung sima ari dongja, urangko agangenchimode, mongsongbate Penal Code-ni (dos dakanina sastiko on-anina dakgimin niamrang) bidingo dingtangmancha badiaba kachari ba officer-na on-na man-a ba badiaba dingtangman-cha niamko dingtangman-cha badiaba kacharina ba officer-na seoke on-na man-a. A-songni niam-retini (Constitution) Sixth Schedule-ni paragraph 5-ko ramram bang-bee jakkalanio boja ong-e champenganiko nikatja maina bilko on-nara kachari damsana ba officer saksana on-na ga-aka ba changsa bilko on-ahaon uako bak dake rarone dingtang kacharina ba officer-ni mikkango donatna man-jawa.

33. 2015 bilsini December 10 tarik aro 2018 bilsini May 3 tarikni u-iatanirango (notification) gatataniko molmolaniko dakenggipa

janapgenchimoba pangchakna gita mamung chongmotgipa on·aniko dakejaha; jeon Ri-Bhoi district-ni ning·o niam pe·e jrimbee dos dakanirangna aro jeon dos daka cha·gipa aro pota man·gipa tribal jatrang ong·achim aro dos dakanina nangegipa District Council Court-ni ning·o mamla ga·akangna nangachim. Mol·molaniko dakenggipa indakgipa agananiko jera-ra·aniko ning·tue knaaniko bon·atna skang mangmangsan agannahani gimin mol·molgipani janapaniko dakna aro ong·bebeaniko tik ka·aniko dakna State man·jaha.

34. Indiomangba, 2015 bilsini December 10 tarik aro 2018 bilsini May 3 tarikni minggni u·iatanirangni gnigipa paragraph-o janapa gita skang u·iatanirang jeon Ri-Bhoi District-ni ning·o jrimbee dos dakani bidingo bichal ka·anirangko janapahachim uako dakdapaha aro skang District Council Court-na ba dingtangmancha officer-na on·gimin bilko dakdapahani gimin mamung dakeba bilko jakkalangkuna man·jawaha.

35. Minggipin, mol·molaniko dakenggipa mandeni palo mikkang paegipani gisik nangatgijaniko dakaniara, bang·bea u·iatanirango bil man·na amaniko iano janapaniko mesokanian ong·a. Namgipa obostarango ong·genchimode, niam aro aino dongimin gita bilko on·anio aro bilrangko bakroatanio u·iatanio uandakgiparangko gatatani somoio banona bilko man·achim uko janapchape

seanirang donggenchim. Chongmotan u-iatanirangko chapa ka-na bil man-aniko mesokani dongjagenchimoba ba ong-gija ainko janapchapgenchimoba banona bilko on-na man-achim ua donggenchim ong-ode mamung dingtanganiko ra-bajawa. Mamung jajaaniko dakgijan a-songni niam-retirangni (Constitution) Sixth Schedule-ni paragraph 5(1)-ni ning-o, iano janapgimin u-iatanirango bilrangko on-anio mesokani dongama dongja ba bilrangko iana janape seanira ong-gija ba guale badiaba niam ba ge-etaniko sandisrete dakahachima uko chapa ka-china bilko on-aha.1937 bilsini Niamni ning-o ba una ja-man ong-katgipa niamo ba bon-kame a-songni niam-retini (Constitution) ning-o, mamung jajagijan Governor-an jrimbegipa dosrangko dakgipa mamlana kacharirangna aro officer-rangna bilko pakwatna man-aha. Indake, ong-gija bimungko on-ani, ong-gija bilko janapani ba chu-soke iana bilko mesokna man-gijani ong-oba maibadake nangchongmotja gita nika maina Governor an-tangan nangchapgipa u-iatanirangko on-china pakwatna chu-onga gita bilko man-a.

36. Bon-kame, mol-molaniko dakenggipa ru-utgijasan nakatgipa u-iatanini gnigipa paragraph-o chanchichipatna gita nakataniko nikna man-a jeon Code of 1973-ko pilak niam pe-e dos dakgiparangni mamlarangna State-o jakkalna gatagipa ong-a. Mol-molaniko dakenggipani ma-siani gita gnigipa paragraph-

ara namen kakketgija denggu dake nangchapgipa u-iatanirango on-chapgipa ong-a jedakode bichal ka-aniko dakna aro pilak niam pe-e dos dakgipa mamlangko ra-anio bilni ning-o ong-gijako ra-aniko dakna miksonge dakgipa ine ia mamlao mol-molaniko dakenggipani nikani ong-a.

37. Ia ong-enggipa mamlani bidingo dos dake niam pe-anina kachario ra-aniko dakengon mamung niam gita ong-gijani ba niamko pe-aniko nikani dongja, mamlako kakket ong-e ra-anio September 20, 2022 tariko u-iatgipani (notification) gnigipa paragraph jean nangchapangchim uni ning-o pangchake dakna nangja. Beben janapgimin u-iatanini gnigipa paragraph-ko on-jotna nangchongmotaniko nikani donggja. Skanggipa nikchengon (prima facie), uko namen simsakna daka gita nika. Jeba ong-china, nangchapgipa paragraph-o pangchakaniko dakanio ba jakkalna ra-anio namedake nichengesa kamo jakkalaniko dakani ong-a. Da-ororo obostarango pangchakgenchimode, iara chu-gimikan nangchongmota ong-ja.

38. Kosako janapgimin a-selrangni gimin mamlako a-bachenge ra-chenggipa kacharini kosako niam pe-anina jako ra-e nianiko dake rai ba ge-etaniko on-aniko parakatanina mol-mole mamla ka-gipani je-gale aganania mamung namgniko nikani dongja. May 3, 2018 tarikni u-iatanio (notification) janapani gita

District and Sessions Judge-na, Meghalaya Judicial Service Rules, 2006 –o talatani gita da-o ong-enggipa mamlako jako ra-na bilko on-aha maina ian so-ote sasti on-aniko man-chaggipa ong-a aro indakgipa bil man-aniko mol-molenggipani ra-bianiko dakania ong-gramaianisan ong-aia.

39. Mamlani chongmot ong-aniko da-o chanchianiona ra-gataniko dakaha.

40. Ia mamlao skanggipa kobor on-aniko (FIR) Nongtraw songni skotong ong-e (headman) nirokgipa Ri-Bhoi-ni Umiam Police Station-o on-echenganiko dakaha; jekon August 26, 2013 tariko songni badiaba manderang attam 12:30 bajio Guwahati-Shillong by pass-o chikare chogipaoniko sigmin manggisiko nikaha. Saksa mande Merilda Nongbri a-damona re-bae sigimin mandeni mangko nie an-tangni demechikgipa Ertelin Nongbri ong-a ine janapaha. Ma-gipa FIR-o uni demechikko so-otaha ine chanchichipe janapaniko dakaha.

41. Sianggipani mangko August 27, 2013 tarikni saljatchi bato post-mortem dakaha. Manggisiko man-chengon mang sona a-bachengmiting ong-aha. Medical examiner sianggipa mande sina skang saknaatako man-aha ine janapaniko dakaha. Manggisiko porika ra-e nianio sko matanirang aro siani a-selrangko serikanio “rangsan skoo saknaatani aro sko ripome balwa re-na man-gijani aro gitok sikgekani a-sel ong-aha ine see rakkianiko dakaha.

42. Iano mol-molaniko dakenggipa mandeko jasani ja-mansa September 28, 2013 tariko rim-e ra-angaha. Uni kosako mamlako ra-bagipani aganani gitade iano mol-molaniko dakenggipa mandean police-rangko obosta ong-chakram a-damona rimangaha jeon begimin gegni kni ka-ani clip-rang aro rongte dotsa gngangchim jechin mol-molaniko dakenggipa dos daka man-gipani skoko dokpretahachim aro urang baksana mol-molaniko dakgipa mandeni jakkalgipa torchlight-ni ka-dingdegipakoba sambaonikon man-aha jekon unin ong-a ine aganaha. Nikaniko serikanirango, mol-molaniko dakenggipan police-rangko ong-chakgipa biapona rimangaha ine see rakkiaha. Mol-molaniko dakgipa aro songni nikpagipa saksa nikaniko serikanirango soi ka-aha. Charge-sheet-o sakgni manderang so-otanio bak dongpaa ine mingpaaha indiba uamangoniko mamung sakkirangko man-jani a-sel watna ga-akaha.

43. Bichal ka-ani somoio so-ota man-gipa mandeni demechikgipa skanggipa sakki dake agananiko dakeaha. Ua August 22, 2013 tariko uni ma-gipako Umroi Bajarona re-angako nikaha aro uan uni ma-gipako bon-chote nikani ong-a ine janapaha. Ua agankuaha ua uni ma-gipako uni phone-o agangrikako aro golpoako nikaha. Uni ma-gipako knasoenggipa sakgipin mandena ua re-angchongmotgen ine ku-mikchetatako knaaha. Demechikgipa

ma·gipani Khasi ku·sikchi aganchakataniko tiktakan gisik ra·e aganaha, “Toto nga la wan”, miksonganide “Hoe. Anga re·baenga”.

44. Sianggipani nogipa chongipa jekon PW 2 dake sing·sandianiko dakachim, ua August 22, 2013 tariko sepangjolo donggipa chibimaona ba·ra su·na re·angmitingo mol·molaniko dakenggipani uko nike sepango donggipa burungchina katangako nikrikaha ine sakki on·aha. Kakketko aganchimode, ua sing·sandianiko dakmitingo sawa uni abigipako so·otahachim uko u·ijaha ine aganchakaha.

45. PW 3-ara darangchiba nangbaka donggijagipa sakki on·gipa ong·a; jenan iano mol·molaniko dakenggipa mande sianggipa mandena nok rikako aro sonani chainko breaniko aganahachim. Ua obosta ong·chakgipa biapo a·sel ong·aniko policerangni noksa sale rakkianio soi on·aniko janapaha. Indakomangba, ua uko sing·sandianiko dakmitingo mamungkoba nikpaani dongja ba a·sel ong·chakgipa biapkoba bano ong·a u·ija ine aganchakaha.

46. PW 4-ara sianggipani sakgipin nogipa ong·a. Nogipa mol·molenggipa mandeko uan so·otgipa mande ong·a ine Kachario mesoke on·aha aro ua mandean uni mobile phone·ona uni abigipade uni jakoni mamung dakeba jokna man·jawa in ka·atgipa ong·a ine aganaha. Indiomangba, uko sing·sandianiko

dakani somoio sakki on·enggipa una iano mol·molaniko dakenggipa mandeni phone ka·ako ra·chakaniko songo noko bilko man·e dilgiparangna ba police-rangna aganani dongja ine janapaha. Ua uni abitanggipako mol·molaniko dakenggipa mande baksa maiba nangrimani gnang ine u·ija ine janapaniko dakaha.

47. So·ota man·gipani ma·gipako PW 6 dake done sing·sandianiko dake niaha. Ua uni demechikgipako 22 August, 2023 tariko “un bi·sarangna mesu ra·na 11 bajirango nokoni ong·katangaha aro angaba Umtung chiringona bara su·na noko wate re·angaha jean on·tisanan ja·achi re·na nanggipa ong·achim” ine sakki on·aha. Ua obostaranko gisik ra·atpilaniko daktaie, mol·molako dakenggipa mandeko bag gnang burungchipakna katangengako nikrikaha aro kachario koediko dongipa biaponiko ua mandean ong·a ine aganaha.

48. Ma·gipa uni demechikgipako August 22, 2023 tariko songko wate re·angaha aro ua salo ong·ronggija nokona re·bapiljaha ine janapaha. Ma·gipa indake janapaha uni demechikgipao sakgni demechikgiparang Shillongo dongani gimin uni demechikrangko grongna re·anga ine chanchiataha. Sakki on·enggipa uni demechikgipako apsan salo re·bapilgijania ong·ronggijani ong·a maina ua pangnaba Shillongo uni je demechikoba dongbarongjachim ine

talataha. Ma·gipa Shillongo donggipa uni su·drango uamangni ma·gipa uamangko grongna re·angahama ine sandiataha indiba so·ota man·gipa Shillongona re·angjaha ine kobor on·atako man·aha ine sakkiko on·aha. Ma·gipa demechikgipako sandie niaha indiba magnasa ong·aiaha ine ku·rachakaha aro uni demechikgipako bon·chote nikani adita salrangni ja·mano ua Rambah Shnong-na (Songni Skotonggipa Mande) uni ja·del bolchagimin demechikni gimaaniko aganeaha. Uandake uni songo Skotong ong·enggipa mandena aganeani salgnini ja·mano so·ota man·gipa mandeni mangko chikareoniko nikaha. Ma·gipa mol·molaniko dakgipan uni demechikko so·otaha ine pote indake aganaha “Anga gisik ra·atenga 22.08.2013 tariko jensalo angni demechikgipa Bhoirybongko wate re·anga, anga Komerchand Sing Wanrieh-ko (iano mol·molaniko dakgipa) ang demechikgipako ja·rikangako nikrikaha. Angni agananirangko Police-rang serike ra·aha aro anga angni chanchichipagitan pota man·gipa Komerchand Sing Wanrieh-ko bimung minge on·aha”. Magipa unbaksana mol·molaniko dakenggipan police-rangko uni dos dakgipa a·damona rimange mesokaha ine janapaha. Ua, mol·molaniko dakenggipako so·ota man·gipa mechikko ra·na miksonge uamangni nokona re·barongako gisik ra·ate aganaha. Ma·gipa an·tangde ia miksonganiko namnikjaha ine aganaha maina mol·molaniko dakenggipa mandera bia ka·gimin measa aro

bi-sa donggiminsa ong·achim. Ma·gipa indake janapakuaha uni sianggimin demechikba mol·molaniko dakenggipa mandena mamung gisiko nangani dongjachim.

49. Pil·nipil sing·sandianiko dakani somoio, ma·gipa uni sianggipa demechik Bhoirymbong-ko August 22, 2013 tariko jinmani ramako ja·achi re·angaha aro un ja·mantap ua mol·molaniko dakgipa mandeko nikrikaha aro “ua angko nikahaon rangsan burungchipak katangaha”ine agananiko rakkiaha. Ua gisik ra·ataie aganaha uni demechikgipa 11 bajirango re·angaha aro ua iano mol·molaniko dakgipa mandeko demechikgipako ja·rikangako nikrikaha. Ua police-na rangsan report ka·ejaha ine talataniko on·aha maina ua ja·manchi demechikgipa uni demechik sakgniko Shillongona grongna re·angengnaba donga ine chanchichie donaha. Ia ong·engggipa gadango gisik ra·ataniko dakna man·gen, ma·gipa uko mongsonggipa porika (examination-in-chief) ra·anio uni demechikgipako bon·chote nikrikani salgnini ja·mano ua Shillongona re·angjaha ine u·ina man·aha aro un ja·man songko nokko nirokgipa Skotonggipa mandena uni demechikni gimaenganiko kobor on·eaha. Uni songko nokko nirokgipa Skotonggipa mandena report on·ani salgnini ja·mansa uni demechikgipani mangko man·aha.

50. PW 7-ara obosta ong-gipa a-damo nikanirangko (seizure-list) see rakkianiko dakmitingo nikpagipa saksa sakki ong-a; je biaponan mol-molaniko dakgipa mande police-rang aro nalis ka-gipa manderangko uamangni agana gita rimange mesokeaha. Ua kachario, mol-molenggipa mande an-tangan police-rangni mikkango sianggipa mandeko so-otaha ine ku-rachakaha ine aganaha. Uandake mikronchi niggipa sianggipani nogipa saksaba agandapangaha indake, “Jen somoio ua an-tangni so-otaniko ku-rachakaniko dakengachim unon ua maidake angni abitangko so-otaha uakoba talate aganaha ine janapaha. Ua, mol-molaniko dakenggipa mande “angni abigipako skoo gantongchi sataha aro un ja-mano ua ro-ongchi un mikkangko dokpretaha ine aganaha. Sakki on-enggipa mande, iano mol-molaniko dakenggipa mande an-tangan “angni mikkango aro police-rangni mikkango” an-tangni so-otako ku-rachakaha ine agananiko rakkiaha. Uko porika (cross-examination) ra-e niani somoioba PW 7 mol-molaniko dakenggipa mande an-tangan uni abitangko so-otaha ine ku-siktangchi ku-rachakaha ine kimkim ong-e agantaitaiaha. Una agarba, ua mol-molenggipani ku-rachakmitingo bang-a manderangan gnang ineba janapaha.

51. PW 8- ara mamlani bidingo am-rikkianiko dakenggipa officer ong-a. Ua, iano mol-molaniko dakenggipa mandeko rim-gipa ong-a aro mol-molaniko

dakenggipa mandean “Obosta ong·chakgipa a·damona (PO) rimange jeon dosko dakaha aro sianggipako (dos daka cha·gipa) skoo rongtechi dokpretaha uko mesokedilaha ine ku·rachakaha. Am·rikkianiko dakenggipa officer jensalo iano mol·molaniko dakenggipa mande obosta ong·chakgipa a·damona rimangachim unon a·mango tapprako nikeaha aro songni manderang “sengako namatna” ka·mao chagiparangko soaha ine chanchipaha ine sakki on·aha. Am·rikkianiko dakenggipa officer-ni mol·molaniko dakenggipa mande sianggipa mandeko skoo rongtechi dokpretaha ingipa kattarang PW 7 ong·e agangipani gisiko maidakgipa obostao dosko dakahachim nangchakeha.

52. Am·rikkianiko dakenggipa officer sakdok sakki on·gipa manderangni agananirangko serike rakkiaha ine ku·rachakaha. Ua uni nikani gita iani mol·molaniko dakenggipa mande aro so·ota man·gipa mande mikchagrikgipa ong·a aro August 21, 2013 tariko mol·molaniko dakenggipa mande sianggipani nokona 8 bajini walo (pm) re·angha aro iako sianggipani degipan report on·aha ine sakki on·aha.

53. Doctor jean post-mortem-ko dakachim uako PW 10 dake done sing·sandianiko dakaha. Ua August 27, 2013 tariko post-mortem-ko dakaha ine ku·chakaha aro mikkingoni jakasi mikronona dakanggipa bako ning·tue

matani chinrangko nikaha jean inch 4 roa aro adha inch-rangni gita apala aro apsan dake ning-tue matani chin gnanganiko nikaha ine aganaha. Doctor gisik ra-atpile agankuaha ua damgipin matani chinrangko skoni ki-sango inch 3 inch 2 roe apalaniko nikaha aro mikkangchipak gitok jatchioni jakrachipak ki-sangkona budu kaani chinrangko nikaha. Ua sing sandianiko dakanio sigipani skoko be-aha jean uni a-bachengo damgni matani chinrangko talate agangipani a-sel ong-aha ine u-ina man-aha ine aganaha. Ua uni nie nike man-anirango, sko matani aro taningona balwa re-dona man-gijani aro gitok rimgekani chinrangni a-sel ong-a ine agantaitaiaha. Uaniko sko matani chinrang aro gitok rimgekani minggni dingtang dingtang siani a-selko ong-ataniko agananiko man-ana agre mamungkon man-dapjaha.

54. Mol-molaniko dakenggipa mande ong-a obostako darangba niggipa dongjani gimin ian ong-a obostarango nie chanchichipe sakki on-aigipasan ong-aia ine aganaha aro iano sakki on-aniranga obosta ong-anina chu-sokbegipa ong-a aro mol-molaniko dakenggipa mandean sianggipako so-otaha ine jajagija chanchiatna nangani ong-jawa ine janapaha. Mol-molaniko dakenggipa mande bang-a sakki on-gipa manderang mamlana bichal ka-ani somoio a-bachengo aganako badee taridape agananirango dakaha ine

janapaha, mongsongbate sianggipani nogipa mol·molaniko dakenggipa mande sianggipa uni ning·o ong·a ine una phone ka·aha ine sakki on·aha.

55. Mol·molaniko dakenggipa mande a·selko mesoke aganaha indake mande gimaengon uandakgipa mandeni nogipa mol·molaniko dakenggipa mandechi gimaenggipa mandeko uni ning·o rakkie donenga ine phone ka·ako man·on rangsan uni ma·gipa ba police-rangna report on·ejaha ba uni police-rangna ja·man sulsul talataniko dake agananiko (statement) dakon telephone ka·aniko janapani dongjachim. Mol·molaniko dakenggipa mande sianggipani ma·gipa sianggipani nokoni ong·kate re·angani ja·man uko nikani gimin ba uni sakgipin nogipa mol·molenggipako nikani gimin mol·molenggipa mande un mikkangoni kataha ine chanchichipanio mol·molenggipan dosko dakaha ine aganna man·jawa ine aganaha.

56. Nikgiparangni sakkirangko on·eani gita uamangni agananio mongsonganirang apsan ong·a, jeon ma·gipa aro am·rikkigipa officer-ko man·gopa, uamang mol·molaniko dakenggipa mande sianggipa mande baksa mikchagrikani gnang ba mol·molenggipa mande sianggipako namnikani gnang aro ian ka·saaniko ra·chakgijani a·sel ong·gen ine chanchiani gnang.

Mol·molenggipani kosako mamlako ra·bagipani sakkirangko rim·baanio chu·onga gita mol·molgipani miksonganiko bikotna man·aha.

57. Beben, sianggipani ma·gipa aro sianggipani nogipani aganani gita sianggipani nokoni ong·katangani ja·man bikan mol·molenggipa mandeko nokni sambao nikaha aro indake mol·molenggipa mande apsan ramachipakan re·angaha ine aganian apsan dakgipa sakkiko man·aha aro iana mol·molenggipa mande talataniko on·na nangao ga·aka.

58. Ian chongmot ong·a je rongteko ong·chakgipa a·damoniko man·ahachim uko forensic examination ba DNA-na ba sianggipani mataniko man·anina jakkalgipa chongmot ong·ama ong·jachim uako nina watatani dongjaha; indiba iako bebe ra·gija daknaba a·selrangko niktaijaha maina am·rikkianiko dakenggipa officer-an mol·molgipa mandean police-rangko ong·chakgipa a·damona rimangaha ine janapaha. Unbaksa, je agananirangko police-rangna aganahachim uarangko sakki ine ra·gatna man·jawa, sianggipani nogipa jean obosta ong·chakgipa a·damo nikanirangko see rakkianiko dakmitingo nikpachim ua mol·molgipa an·tangan dos dakako ku·rachakaha aro ua sianggipako skang boltongchi dokaha aro un ja·man mikkangko rongtechi dokpretaha ine janapaha. Sianggipa mandeni bimango mata parirangko

nigenchimode mol·molako dakenggipa mandeni agana gitan matanirangko nikna man·aha. Medical examiner sianggipa mandeni damgni mata man·ani parirangko rongtalen janape aganaha. Medical examiner sianggipa mandeni gitoko sikgekani chinrangko nikaniko kakket ong·en janapaha, indiba ua taningo saknaanirangko man·ani a·sel balwa donpengako man·anichi siatako man·aba gnang ineba janapjole aganaha. Uandake post-mortem-ko dakmiting somoio manggisi sona a·bachengman·aha ine gisiko rakkina gita man·a.

59. Pilak sakkirangni aganirangko iano mol·molaniko dakenggipa mandena Code-ni Section 313-ni ning·o uko niani somoio talate on·aha. Mol·molaniko dakenggipa sianggipani maharirangni sakki on·anirangna jena ba bimung man·atanina ba miksonge potanina mamung sakkiko mesokna gita man·jaha.

60. Beben, mamlako ra·chenggipa kacharini mol·molaniko dakenggipa mandeko sianggipani nogipan sianggipako bon·kame nikani somoio bikan ukoba nikahana ine janapaniko dakon, mol·molaniko dakenggipa ua somoio ua Nongtraw songo ong·ja ine rakbee aganaha. Indiomangba, mol·molaniko dakenggipa iandakgipa agananirangna ba matnanganina mesokna mamung dakeba jotton ka·aniko mesokjaha. Jensalo maiba sakkirangna jee

ong·chongmota ine agananiko dakengon, uana maikoba ong·bebea ine ra·chakna mesokna jotton ka·ani dongna nanga. Uandake sakkirang mol·molaniko dakenggipani kosako ong·engon, uni kamara uana kakket ong·a ine mesokani ong·a ong·jaode mol·molenggipa kadonga gri ong·e kamko dakna man·gijani gita ong·a.

61. Mol·molaniko dakenggipa mande sianggipani maharirang uni kosako maina ong·gija dake agananirangko dakengachim ba mol·molaniko dakenggipako sianggipana mikcha ka·sae pagol ong·e ong·aha ine potgipana on·tisaba ba alamalaba mamung u·iatani dongjaha.

62. Ia mamlao mamung jajaani grian ong·ronggija ba kragija sianiko nika. Maibakai mande chuaoni badiaba bako ga·akchakon ba uni sko rakbegipa a·ao ga·akchakeon matani parirangko apsan dake nikna gita man·a ine medical examiner ku·rachakaha; indiba ian sing·sandie (cross-examination) nianina janapanirangsan ong·aia. Post-mortem report aro gipin sakkirangko man·aoniko medical examiner-ni nie u·ianide, sianggipa badiaba mandechi satako man·aha jean uni mikkangrang aro sko bikrokko saknaataha aro doctor gitok sikgekani chinko man·anikoba janapaha. Srongsrong niatgenchimode iano mol·molenggipa mande maiba miksongani gnang ine nikna man·a, maina

sianggipa mandeko bon·chote nikani salo sambajolon ukoba nikna man·a aro
ua dosko dakna cholko man·gen. Unbaksana, mongsongbate mol·molaniko
dakgipan police-rangko obosta ong·chakgipa a·damona rimange mesokeaha
aro sianggipani nogipaba mol·molaniko dakenggipa an·tangan dostangko
ku·rachake aganasan ong·aija ua uko maikai so·otahachim uakoba che·em
che·em talate on·aha ine agananian a·sel ong·anina sakkirang
mol·molenggipani kosako ong·a aro mamung dakeba jajaaniko on·jaha.

63. Mol·molenggipa mande, mamla (2010) 10 SCC 439 (*Paramjeet Singh alias v. State of Uttarakhand*) jean obostarangoniko sakki man·gipani
gimin ong·achim aro (2012) 2 SCC 399 (*Madhu v. State of Kerala*) jean
Evidence Act, 1872-ni Section 27-ni bidingo ong·achim uarangni u·iatgimin
rairangko ra·chape janapaha. Unbaksana Supreme Court-ni April 16, 2018
tariko on·gipa Criminal Appeal No.1134/ 2013 bilsini (*Navaneethakrishnan v. The State Inspector of Police*) mamlakoba mesokna gita donaha jeon riting
riting ong·enggipa obostarang jena man·gija pota man·gipao ga·aka aro gipin
dake dos dakani cholko nikatani dongja, indake pota man·gipa obostarango
pangchake dos gnanggipa ine nikatako man·a.

64. Raiko on-anirango miksonganirango janapanio sing-na amgijani ong-a. *Paramjeet Singh*-o Supreme Court indake janape aganaha mamlako ra-bagipa an-tangon chadenga ba ja-atangon ga-akona nanga ba pota cha-gipani bilgrianio mamlako pangchake bilakatna man-jawa. Jensalo riting riting obostarango niatgrike sakkirango chu-sokatna man-a unon warachakmikgipako dakchakna okamaniko ra-chaka. Kacharini nikani gita chongmotko mesokanio pota man-gipani dosko talatanio apsan ong-na nanga aro uandakgipa chongmotko mamung dakeba gipin dake talataniko on-na nangja.

65. *Madhu*-o, police-rang badita pota cha-gipa mandeoniko u-ie ra-na man-achim aro uano pangchake uni kosako Evidence Act-ni Section 27-ni ning-o sakkirango ra-bana man-genchim uani bidingo Supreme Court indake janapaniko dakaha uandakgipa dongimin niamrang Ainni Section 25 aro 26-o ra-chakani ong-ja aro Ainni Section 27-o nangnikani gita dos daka pota man-gipani ku-rachake agana gita maikoba chongmotko mesokna man-na nanggen.

66. *Navaneethakrishnan-o*, kachari indake simsakchina aganaha, kakket ong·ani aro kakket ong·na nangani gisik namen chelgrikani gnanng aro indakgipa cheltanggrikani bebera·e name bon·ataniko dingtangataniko ong·ata.

67. Gisiko indakgipa ra·biani gnangengon, iano dosko on·aniara obostarango pangchakesa on·ahani gimin, mol·molaniko dakgipa mandeni dos dakanina maiba gimaengani aro bilgrie jajaaniko ong·atani gnanng ine chanchiani dongja. Namemancha tiktak agangenchimode sianggipani janggi grigipa bimangko man·na skang, mol·molaniko dakenggipa mandeko sianggipa mande baksa bon·chote nikjaengnaba gnanng. Indioba, sianggipani nogipa aro ma·gipani sakki on·ani gita iano mol·molaniko dakenggipa uni nokko wate re·angon ja·rikangaha uandake mol·molaniko dakenggipako sianggipani sambajolon ong·aniko bebera·na kraani gnanng. Je obostaba ong·china, mamung jajaani grian mol·molaniko dakenggipa police-rangko obosta ong·chakram a·damona rimangaha aro mande jinmani mikkango sianggipako so·otaniko ku·rachakaha jeon sianggipani nogipaba dongpaachim.

68. Mol·molaniko dakenggipa sianggipani sepangjolo ong·an baksana, obosta ong·chakgipa biapba sepangjolon ong·a aro jakkalgipa bostukoba (silchidare) ua a·damon man·aha jechin sianggipa mandeko saknaatna gita

ama, indake riting riting a-selrangko man-aniranga mikronchi nikchachaana
bate mangrakkataha.

69. Mamlako ra-chenggipa kacharini dos on-e janggi tanga gimikna
patok ning-o chipate rai on-aniko mamung dakeba dongdikatna nangnikaniko
nikjaha. Iano, bia ka-gimin, bi-sa donggimin me-asani bilsa bijatchio ong-enggipa
me-chikna una gisik nanganiko on-chakjana gimik gita niaton mol-molaniko
dakenggipani skanirangko chu-sokatna man-jae uko bon-atsrangna miksonge
so-otaniko nikatna man-a.

70. Crl. A.No.1/ 2020 bilsini mamlao bianiko ra-gale gala.

71. Crl.M.C.No.2/2020 bilsini aro Crl.M.C.No.3/2020 bilsini
mamlarangko bon-ataha.

71. Ia raini aro ge-etani chongmotgipa copy-ko ta-raken mol-molaniko
dakgipa mandena mamung ra-ani grian indin man-ate on-na nanga.

(Sanjib Banerjee)

Chief Justice

Angaba ong-nikpaa.

(W. Diengdoh)

Judge