

**IN THE HIGH COURT OF MEGHALAYA
AT SHILLONG**

CRL. REV. P. No. 9 of 2016

1. The State of Meghalaya
represented by the Secretary to the
Govt. of Megghalaya, Home (Police)
Department, Meghalaya, Shillong.
2. The Investigating Officer of
Mawkyrwat P.S. Case No. 29(10)
2016 U/s 376 IPC.
C/o Mawkyrwat Police Station
South West Khasi Hills District,
Mawkyrwat

... Petitioners

- Versus -

Shri Mestonder K. Hari
R/o Mawkohphet,
South West Khasi Hills District,
Mawkyrwat.

... Respondents

**BEFORE
HON'BLE MR JUSTICE VED PRAKASH VAISH**

Present

Mr. N.D. Chullai
with Ms. S. Bhattacharjee

... Counsel for Petitioners

Mr. Noor Md. Mansuri

... Counsel for Respondent

Date of Hearing

... 24.11.2016

Date of Order

... 24.11.2016

BY HON'BLE MR. JUSTICE V.P. VAISH (ORAL)

The petitioners have assailed the order dated 20.10.2016 passed by learned Judge, District Council Court, Shillong, in Crl. Misc. Case No. 27 of 2016, whereby the respondent was granted interim anticipatory bail till 21.11.2016 in P.S. Case No. 29 (10) 2016 under Section 376 I.P.C.

2. Mr. Noor Md. Mansuri, learned counsel appears on behalf of respondent submits that vakalatnama has been filed today.

3. Mr. N.D. Chullai, learned senior GA appearing on behalf of the petitioners submits that the application under Section-438 Cr.P.C. filed by the respondent is pending before the learned Judge, District Council Court, Shillong and an interim order was passed till 21.11.2016.

4. Mr. N.D. Chullai, learned senior GA further submits that the present petition has become infructuous and he may be permitted to withdraw the present petition. He also submits that trial court will decide the application filed by the respondent on merits.

5. Mr. Noor Md. Mansuri, learned counsel appearing on behalf of the respondent submits that he has no objection to the same.

6. Having considered the facts and circumstances of the case and submissions made by learned counsel for both the parties, the present petition is dismissed as withdrawn. However, learned Judge, District Council Court, Shillong is directed to decide the application bearing Crl. Misc. Case No. 27 of 2016 filed by the respondent on its own merits and in accordance with law.

7. Both the parties are directed to appear before the learned Judge, District Council Court, Shillong on 28.11.2016.

8. A copy of this order be sent to the learned Judge, District Council Court, Shillong forthwith.

JUDGE

Dated, the 24th November, 2016

V. Lyndem