

Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Tr. P. (Crl.) No. 5 of 2018

Date of Order: 28.02.2019

State of Meghalaya

Vs.

Baneswar Deka & Ors.

Coram:

Hon'ble Mr. Justice H. S.Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. N.D. Chullai, AAG with
Ms. R. Colney, GA

For the Respondent(s) : Ms. S.A. Shallam, Adv.
vice Mr. H.K. Das, Adv. (For R 1&2)

Heard Mr. N.D. Chullai, learned AAG assisted by Ms. R. Colney, learned GA for the petitioner/State and Ms. S.A. Shallam, vice counsel of Mr. H.K. Das, learned counsel for the respondents No. 1 and 2.

Heard learned counsel for the parties who clarified the matter.

Notice has been served upon the respondent No. 3 Smti Santi Singh (Respondent No. 3). An affidavit dated 26.02.2019 filed by the Investigating Officer has been brought on record to confirm the factum of service upon the respondent No. 3.

This matter relates to the G.R. Case No. 383 of 2018, which is in connection with Bail Application No. 23 of 2018 before the Court of learned Special Judge (POCSO), Nongpoh. The bail application was filed for the release of accused person by the respondent No. 1 and 2 herein on the ground that the minor victim girl had concluded a Compromise Petition dated 01.10.2018 with the said accused person which however was discovered to have been obtained under duress and

undue influence. The Court of the learned Special Judge (POCSO) Nongpoh, vide order dated 19.11.2018, had taken cognizance of this fact and also had recorded strong and adverse views on the conduct of the petitioner/respondents Nos. 1 and 2 herein, for trying to cast undue influence upon the victim. As such, G.R. Case No. 383 of 2018 was set in motion before the Court of learned Chief Judicial Magistrate .

Subsequently the matter came up again before the learned Special Judge (POCSO), Nongpoh who vide order dated 27.11.2018 recused herself from the case inasmuch as it was at her instance that the case of the prosecution was set in motion.

This matter thereafter was placed before administrative side of this Court and the same has come to be taken up in the judicial side for consideration of transfer of G.R. Case No. 383 of 2018, *State vs. Baneswar Deka* to any other Court of competent jurisdiction.

I have heard learned counsel for both the parties who have no objections. Learned AAG has prayed before this Court that the said case be transferred to the Court of learned Special Judge (POCSO), Shillong.

Accordingly, the said G.R. Case No. 383 of 2018 stands transferred to the Court of learned Special Judge (POCSO), Shillong. The records also be transmitted at the earliest to the said Court within 1(one) week.

Disposed of as above.

JUDGE

Meghalaya
28.02.2019
"V. Lyndem PS"