

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (Crl) No.4/2021 with
MC [WP (Crl)] No.2/2021

Date of Order: 29.04.2021

Kam Sual Mang Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice
Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K Paul, Sr.Adv with
Ms. R Dutta, Adv
For the Respondent(s) : Mr. ND Chullai, AAG with
Ms. R Colney, GA

- i) Whether approved for reporting in Law journals etc.: Yes/No
- ii) Whether approved for publication in press: Yes/No
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JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This writ petition filed by one Kam Sual Mang seeks, inter alia, issuance of a writ in the nature of habeas corpus directing the concerned authority of the State to produce his cousin brother, Shri Gou Haokip, before this Court.

According to the writ petitioner, Shri Gou Haokip was picked up from Byrnihat Highway Toll Gate on 28th March, 2021 (wrongly typed as 28th April, 2021 in the prayer portion of the writ petition) without providing any kind of intimation. According to the writ

petitioner, the only reference to any communication made by Gou Haokip is in the form of a telephone conversation with his cousin sister, Smti. Kimi Mate (Haokip), on 28th March, 2021, whereby he informed his cousin sister that he was being taken away by some police from Byrnihat Highway Toll Gate and he could not give any other information. This has been specifically stated in paragraph 3 of the writ petition. There are several other allegations pleaded in the writ petition, which we need not to go into at this stage for the simple reason that when the instant matter is taken up for consideration, the learned advocate appearing on behalf of the State respondents has produced a photocopy of a memo of arrest dated 29th March, 2021. He submits that the concerned person, namely, Gou Haokip, has been arrested at 10:00 AM on 29th March, 2021, by Police Station-Nongpoh, situated in the district of Ri-Bhoi.

A bare perusal of the memo of arrest, however, reveals that the name of the arrested person is Shri Gou Haokip alias Gogo. Whether or not he is the same person cannot be determined by us sitting in this jurisdiction. We, however, give liberty to the writ petitioner to approach the Court of competent jurisdiction where a

criminal case against the arrested person is pending for the purpose of seeking appropriate order(s) in accordance with law.

With the above observation, the instant writ petition stands disposed of.

In view of the disposal of the main writ petition, the miscellaneous application, being MC [WP (Crl)] No.2 of 2021, stands disposed of accordingly.

(H.S. Thangkhiew)
Judge

(Biswanath Somadder)
Chief Justice

Meghalaya
29.04.2021
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