

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Rev.P. No. 5 of 2022

Date of Decision: 31.05.2022

Shri. Shngain Lamare Vs. State of Meghalaya.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Thapa, Adv.
Mr. S. Chanda, Adv.
For the Respondent(s) : Mr. K.P. Bhattacharjee, GA.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S. Thapa, learned counsel for the petitioner who has submitted that the petitioner had petitioned this Court by this instant petition seeking recall of the order dated 20.12.2021 by which the learned Trial Court had closed the evidence of the defence witnesses as regard the petitioner herein and has proceeded with the matter for final argument. Submitting that the petitioner would lose an opportunity for being heard and defended, as far as his rights is concerned, if the defence witnesses from his side could not be examined, the learned counsel for the petitioner therefore prays that

the said impugned order be set aside and quashed and for ends of justice, the learned Sessions Judge, West Jaintia Hills District, Jowai be directed to allow the defence witnesses to be examined.

2. Mr. K.P. Bhattacharjee, learned GA appearing for the State respondent has also submitted that considering the offence involved being serious in nature that is, one under Section 302/34 IPC, no strong opposition is made against the prayer of the petitioner.

3. This Court on consideration of the submission made and on perusal of the petition in hand as well as the records which was duly produced before this Court on being directed, has noticed that the petitioner was not represented on the date the impugned order was passed, for which the DWs from his side was eventually closed. However, the learned counsel for the petitioner submits that for the fault of the lawyer, the petitioner should not suffer.

4. On this premise and taking an overall pragmatic view of the matter, it is found fit and proper for ends of justice to allow the prayer of the petitioner. Accordingly, the impugned order 20.12.2021 is hereby set aside and quashed. The learned Sessions Judge, West Jaintia Hills District, Jowai is hereby directed to allow the petitioner to adduce evidence of his witnesses on the next date fixed. It is made clear that no further opportunity will be given to the petitioner and he is to present his witnesses, irrespective of the number of witnesses only on the next date fixed.

5. From the records, it is seen that the next date fixed by the learned Trial Court is on 28.06.2022. Accordingly, this will be the date when the

defence witnesses will be examined. The petitioner is also put to notice that he is to present his witnesses on the said date i.e. 28.06.2022, for which no summons is required to be issued.

6. In view of the above, this petition is accordingly disposed of.

7. Let copy of this order be issued upon the learned Sessions Judge, West Jaintia Hills District, Jowai for compliance.

8. Registry is directed to send back the Lower Court case record.

Judge

Meghalaya
31.05.2022
"D. Nary, PS"

