

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(CRL) No.10 of 2023

Date of Order: 03.05.2024

1. Shri. Chandra Mohan Jha & 3 Ors. Vs. State of Meghalaya.
Trustee Member of CMJ Foundation,
Swasti Niwas,
Crinoline Falls,
Barik, Shillong,
Meghalaya.

Through its Special Superintendent
of Police,
CID, Meghalaya, Shillong,
Meghalaya.

:::: Respondent

2. Smt. Indu Rani Jha,
W/o Shri Chandra Mohan Jha,
Trustee Member of CMJ Foundation.
Crinoline Falls,
Barik, Shillong,
Meghalaya.

3. Shri. Govind Jha,
S/o Shri C.M. Jha,
Resident of BL – 64,
Sector – II, Salt Lake,
Kolkata 70091

4. Shri Gopal Jha, S/o
Shri C.M. Jha,
Resident of BL – 64,
Sector – II, Salt Lake,
Kolkata 70091

::::Petitioners

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. P. Mahanta, Sr. Adv. with
Mr. A. P. Singh Rahi, Adv.

For the Respondent(s) : Mr. K. Khan, Special PP. with
Mr. S. K. Hassan, Adv.

ORDER(ORAL):-

Heard Mr. S. P. Mahanta, learned Senior counsel assisted by Mr. A. P. Singh Rahi, learned counsel appearing for the petitioner and Mr. K. Khan, learned Special PP assisted by Mr. S. K. Hassan, learned counsel appearing for the State-respondent.

By this criminal writ petition, the petitioners have raised their grievances against non-supply of documents in terms of order dated 10-08-2022 passed in W.P. (Crl.) No. 2 of 2021. The petitioners also prayed for setting aside of the orders dated 26-06-2023 and 13-09-2023 passed by the Chief Judicial Magistrate, Shillong in GR Case No. 130(S) 2015.

During the course of hearing Mr. K. Khan, learned Special PP placed on record an order dated 17-08-2023 passed by the learned Chief Judicial Magistrate, East Khasi Hills District, Shillong in GR Case No.130(S) 2015 and submits that the grievances of the petitioners already stood redressed by the said order. The order dated 17-08-2023 reads as follows: -

"Record placed before me today on call.

Seen and perused Report dated 09-08-2023 filed by Shri. L. Sangma, MPS wherein he has stated that the instant case has been re-endorsed to him for further investigation vide Letter No. Memo No. MG/Court-96/2013/pt/389 dated 28-06-2023 after the demise of the previous I/O of the case.

Copy of the said letter enclosed as Annexure – 1.

That in pursuant to Order dated 10-08-2022 passed by the Hon'ble High Court of Meghalaya, the petitioner/accused person has checked and sorted out the relevant documents and papers and as desired by him copies of the same have been supplied to him accordingly.

List of the documents and files sorted out and copies given for the counsel for the petitioner enclosed as Annexure – 3.

The copies of the documents and records mentioned in Annexure – 3 were made available to the counsel for the petitioner/accused person on 30-09-2022.

That in compliance with the Order dated 10-08-2022 passed by the Hon'ble High Court of Meghalaya this Report is filed by the I/O before this Court.

In consideration of the Report submitted by the I/O and compliance with the order dated 10-08-2022 passed by the Hon'ble High Court of Meghalaya the proceeding in the instant case is hereby revived.

Report of I/O placed in Case Record.

Send a copy of this Order to I/O.

Fix 13.09.2023 for appearance of parties."

The aforesaid order has not been disputed by the learned Senior Counsel appearing for the petitioner. However, he submits that in the event of non- supply of any of the documents mentioned in Annexure – 3 referred to in the above order dated 17-08-2023, the petitioners may be allowed to bring it to the notice of the trial court with prayer for supply of copy of the same.

The emergence of the above situation and the submissions of the respective parties make it clear that there remains nothing to be decided in this present criminal writ petition as the reliefs sought for by the petitioners herein have already been taken care of by the order dated 17-08-2023 of the Chief Judicial Magistrate, Shillong.

Accordingly, this petition is closed as infructuous. The petitioners will be at liberty to bring it to the notice of the Trial Court for passing of appropriate order in the event of non-supply of any of the documents enlisted in the Annexure – 3 referred to in the order dated 17-08-2023.

With the above, this criminal writ petition stands disposed of.

Judge

Meghalaya
03.05.2024
“Biswarup PS”