



Serial No.02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 27 of 2024

Date of Decision: 02.09.2025

The Central Bureau of Investigation
through the Head of Branch,
Anti-Corruption Branch, Shillong – 793018.

...Petitioner

-Versus-

1. Smti. Prakash Kaur,
Wife of Harban Singh,
Resident of Goraline, Sweeper Colony,
Laitumkhrah, East Khasi Hills, Shillong,
Meghalaya-793003,
Alternate address: Lapalang, P.S. Rynjah,
East Khasi Hills District, Shillong.

...Respondent

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv.

For the Respondent(s) : Ms. P.Chettri, Adv.

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| 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. The instant writ petition has been preferred against the judgment and order dated 07-07-2023, passed by the Special Judge (CBI), Shillong.
2. Briefly put, in the proceedings before the Trial Court, the respondent had filed an application under Section 265 CrPC for plea bargaining and accordingly, the prosecution (CBI) expressed that it was acceptable and were ready for the same. Thereafter, in the said proceedings, the respondent had admitted that she had committed the offence, and was also in agreement to be awarded the punishment to be prescribed by the Court. The learned Court of Special Judge, considering the age and health condition of the respondent had then suggested that she may be sentenced to pay a fine of ₹ 50,000/- (Rupees Fifty thousand) only, and to undergo simple imprisonment. The suggestion as put forth by the Court of Special Judge was then agreed by the parties, it appears, due to the special circumstances surrounding the condition of the petitioner.
3. Thereafter, vide the impugned judgment and order dated 07-07-2023, the learned Special Judge convicted the respondent under Section 419/420 IPC read with Section 13(2) of the Prevention of Corruption Act, 1988, and sentenced the respondent to undergo simple imprisonment till the rising of the Court, with a fine of ₹ 50,000/- (Rupees Fifty thousand) only.



4. The respondent, had then accordingly paid the fine and after being admonished, was released thereafter.

5. This writ petition has been preferred, it appears, on the ground that the sentence was not in accordance with the Mutual Satisfactory Disposition.

6. This Court has heard the learned counsel for the parties and also examined the materials on record. The accused/respondent as per report, is 70 years old at present and is also suffering from old age ailments like hypertension and other related illnesses. A perusal of the impugned order shows that the consideration given by the Court was basically on the grounds of advanced age and ill health which would have made the respondent unfit to undergo imprisonment or serve the sentence as prescribed by law.

7. In consideration thereof, looking into the peculiar nature of the case without further dwelling into the facts, no interference is called for by this Court with the impugned order dated 07-07-2023, and the matter is closed and disposed of.

8. It is made clear that the observations or findings in the instant matter shall not serve as a precedent in any other matter.

Judge