



Serial No.15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Rev. P. No. 7 of 2024

Date of Order: 04.03.2025

Shri. Jewing Mynthliang S/o Lam Sungoh R/o – Moobakhon Village, Nartiang, West Jaintia Hills District, Meghalaya	Vs.	1. State of Meghalaya, Represented by the Secretary to the Government of Meghalaya, Home (Police) Department. 2. Mr. Nehlang Suting S/o Medrak Shylla R/o Thadmukoh, West Jaintia Hills District, Meghalaya.
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.....Petitioner.

.....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A. R. Passah, Adv.
 For the Respondent(s) : Mr. R. Gurung, GA. (R: 1)

ORAL:-

Heard Mr. A. R. Passah, learned Counsel appearing for the petitioner and Mr. R. Gurung, learned GA appearing for the State-respondent No.1.

None appeared for the respondent No.2 despite service of due notice.

By this revision petition, the petitioner has challenged the order dated 05-06-2024 passed in Sessions Case No.1 (T) of 2024 by which the learned Trial Court had directed for framing of charge against the petitioner under Section 120-B/302/201/34 IPC. The fact of the case is that an FIR dated 19-



07-2023 was lodged by the respondent No.2 before the Officer-In-Charge, Sohryngkham Police Outpost, East Khasi Hills District, Meghalaya informing about the disappearance of one (L) Pyndaplang Suiting on 16-07-2022 and discovery of the dead body of said person on 18-07-2022 from a drain at Shillong Jowai Road Sohryngkham Mawkhliir. On the basis of the FIR, the Mawrykneng PS Case No. 21 (7) of 2022 under Section 302/201/34 IPC was registered and investigated into. Upon completion of the investigation, a charge-sheet was prepared and forwarded to the Trial Court by naming the petitioner as one of the accused persons in the case. At the trial, the petitioner had argued for his discharge on the ground that no case has been made out against him in the charge-sheet. However, the Trial Court vide impugned order dated 05-06-2024 rejected the prayer of discharge made by the petitioner and directed for framing of charge against him. Assailing the order dated 05-06-2024, the petitioner has preferred this revision application before this Court.

The learned Counsel for the petitioner submitted that the entire prosecution is based on circumstantial evidence mainly on the Call Details Record (CDR) which is not a substantive piece of evidence. He submitted that there is no statement by any independent witness to corroborate the CDR and hence, no case is made out requiring the petitioner to face the trial. The learned Counsel contended that the investigation has failed to link the petitioner to the commission of the offence by any admissible evidence and the mobile phone of the main accused from which CDR has been retrieved was never seized. He further submitted that though he was accused of using mobile phone of his wife in making contact with the prime accused in the matter, the statement of his wife was never recorded by the Investigating Officer and she is not named as a witness in the case. The learned Counsel,



therefore, argued that there exists no sufficient material for proceeding against the petitioner and the petitioner may be discharge from the liability of the case.

Mr. R. Gurung, learned GA for the respondent No.1, on the other hand, has refuted the submission made by the learned Counsel for the petitioner and submitted that enough materials are provided in the charge-sheet to make a prima-facie case against the petitioner. He submitted that the learned Trial Court has taken into consideration all the relevant details of the allegations appearing against the petitioner in the charge-sheet and has correctly passed the impugned order, which requires no interference by this Court.

Upon hearing the learned Counsels for the parties and perusal of the materials on record reveal that the charge-sheet in the Session Case No. 1(T) of 2024 has indeed been filed against the petitioner basing on the circumstantial evidence collected from the CDR of different mobile numbers. From the analysis of the CDR details indicated in the charge-sheet, it appears that Smti Mercy Muruh, the wife of the petitioner, was using a mobile phone, service of which was also utilized by the petitioner. The call details of the said mobile phone indicate that calls were made to the phone number of the prime accused before and after the incident alleged in the FIR. Furthermore, the charge-sheet reveals that the statement of the wife of the petitioner was also recorded during the course of investigation where he stated that the petitioner had no mobile of his own and used to asked for her mobile phone whenever he needed to contact somebody. She also stated that on the day of occurrence the petitioner went out and did not return home at night.



Perusal of the impugned order dated 05-06-2024 indicates that the learned Trial Court had taken into consideration the relevant part of the charge-sheet while rejecting the prayer of the petitioner to discharge him from the liability of the case. This Court also does not see any reason to take a different view from other than what has been taken by the Trial Court, specially in the light of the statement of the wife of the accused appearing in the charge-sheet which indicate the petitioner had gone out with the main accused at and around the time when the incident took place.

Taking into consideration the materials on record as discussed above and the gravity of the crime involved in the matter, this Court finds no merit in the contention raised on behalf of the petitioner. Resultantly, this criminal petition stands dismissed.

It is made clear that this Court has not gone into the details of the merits and demerits of the prosecution case alleged in the charge-sheet. The view expressed hereinabove shall not prejudice any of the parties at the trial.

Judge

Meghalaya
04.03.2025
"Biswarup PS"