



Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. M.C. No. 58 of 2025

Date of Order: 19.08.2025

1. Shri. Robert Rani @ Ban & Bahbah, aged about 39 years. Son of Shri Lo Khasan Resident of Mawlai Lummawnei, East Khasi Hills District, Meghalaya.	Vs. The State of Meghalaya, Represented by the Commissioner & Secretary to the Department of Home (Police) Government of Meghalaya. Shillong – 793001.
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Permanent Resident of Nongwah,
 Tyrsad, East Khasi Hills District
 Meghalaya.

.....Applicant.

.....Respondent.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Applicant (s) : Mr. M. Sharma, Legal Aid Counsel.

For the Respondent(s) : Ms. S. Shyam, GA.

ORAL: -

This is an application for condonation of delay of 1228 days in preferring the accompanying criminal appeal against the judgment of conviction and related order of sentence passed in Special POCSO Case No. 42 of 2016 by the Special Judge (POCSO), Shillong.



The reason for delay stated in the application is that the applicant was not aware of his right of appeal against the conviction and, later on, after consulting with his family members, applied for service of Legal Aid Counsel for filing the appeal. It is also stated that some time was needed for making the necessary documents available to the Legal Aid Counsel.

The State-respondent has filed an objection in the matter by asserting that the impugned judgment categorically stated that the applicant was informed about his right of appeal against the conviction and sentence either by appointing his own Advocate or through Legal Aid Advocate by way of jail appeal. It is, therefore, stated that the applicant was well-aware of his right and the reason for delay indicated in the application is false and untrue.

Heard Mr. M. Sharma, learned Counsel appearing for the applicant and Ms. S. Shyam, learned GA appearing for the State-respondent.

It appears from the material on record that the applicant was sent to District Prison and Correctional Home, Shillong consequent to his conviction and sentence in the trial. Thus, it is clear that the applicant was unable to take expeditious steps to challenge his conviction and was totally dependent on his family members. The applicant was disadvantaged by the fact of his detention. In addition, the applicant is represented by a Legal Aid Counsel and not by a counsel of his choice. The appointment of the Legal Aid Counsel is in the hands of the concerned authorities of the State and not in the hands of the applicant. The situation, therefore, was not within the control of the applicant. The facts and events do not exhibit that there was gross negligence, deliberate inaction or lack of *bona fide* on the part of the applicant. The objection raised by the respondent does not apply to a person who is in custody and dependent on the service of the Legal Aid authority.



Viewed from above, this Court is satisfied that the delay has been explained with sufficient cause and deserves to be condoned. Accordingly, delay of 1228 days in preferring the connected criminal appeal is hereby condoned.

Registry to diarize the appeal and list it for admission.

This application stands allowed.

Judge

Meghalaya.
19.08.2025
"Biswarup PS"