



Serial No. 01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 130 of 2025
In Crl.A. No. 79 of 2025

Date of order: 12.11.2025

Taitmi Sayoo

....Applicant

- versus -

1. The State of Meghalaya through the Superintendent of Police, West Jaintia Hills District, Meghalaya.
2. Officer-in-charge, Women Police Station, Jowai, West Jaintia Hills District, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice
Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Applicant : Mr K. Ch. Gautam, Adv.

For the Respondents : Mr K. Khan, PP with
Mr R. Gurung, Addl PP
Mr A.H. Kharwanlang, Addl Sr GA

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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: (per the Hon'ble, the Chief Justice) (Oral)

This is an application for suspension of sentence.

2. The learned counsel for the appellant has raised a very pertinent jurisdictional issue apart from other issues with regard to the judgment passed by the learned trial court under the Protection of Children from



Sexual Offences Act, 2012 [hereinafter referred to as POCSO Act]. The issue raised by the learned counsel is that the trial court has not arrived at a definite finding as to the age of the victim and the discussions in paragraph 30 of the said judgment are general. The conclusion that the victim was a minor at the time when the offence was committed is based on surmise and conjecture. We find substance in the said argument as we are of the view that in paragraph 30 of the impugned judgment, there is a general discussion with regard to the issuance of birth certificate in rural areas and there is no definite conclusion that in the instant case, the victim at the time of the offence was minor and in spite of the best efforts could not produce the birth certificate although a specific plea was raised at the trial with regard to the age of the victim. The Baptisma Certificate dated 07.06.2009 was referred to but not exhibited by the prosecution in support of the age of the victim. However, the said certificate is not an admissible and conclusive piece of evidence as to the age of the victim. The prosecution did not furnish any reason for not producing any cogent and acceptable evidence. This goes to the very jurisdiction of the POCSO court to try the offence under the POCSO Act.

3. The accused is in custody for almost eight years and has almost completed a substantial part of the sentence. On the earlier occasion, we called for a report from the Superintendent of Prison. The report filed by



the Superintendent, District Prison & Correctional Home, Jowai has certified that the conduct of the accused is satisfactory and his general behaviour has been good till the date of the report. He has been obedient, disciplined and cooperative with both prison staff and fellow inmates. Taking into consideration all such factors and having regard to the fact that he has already suffered imprisonment for a considerable length of time, we are inclined to allow this application for suspension of sentence, however, upon certain terms and conditions.

4. The appellant shall be enlarged on bail upon furnishing a bond of ₹5,000/- with two sureties one of which shall be a registered surety of the like amount, to the satisfaction of the Chief Judicial Magistrate, West Jaintia Hills District, Jowai and shall not enter the jurisdiction where the victim is presently residing except for the purpose of appearing before the court as and when required or meeting the officer-in-charge in compliance of the direction passed today. The appellant shall appear before the Jurisdictional Magistrate once in a month and shall appear before this court as and when required.

5. The appellant is directed to provide his address where he would stay during the pendency of the appeal and in the event any occasion arises for him to go outside the State of Meghalaya for the purpose of his avocation and/or employment and for any other emergency, he shall



intimate the said address and/or place of moving to the Chief Judicial Magistrate, West Jaintia Hills District as well as to the officer-in-charge of the police station where he would now reside. It is further directed that while on bail, the appellant shall not cause any threat or intimidation to the victim. He shall, however, meet the jurisdictional officer-in-charge once a month at least for a year. For any act of non-compliance, this order shall stand vacated without any further reference to this Court.

6. The Registry is directed to prepare the required number of paper-books by 15.02.2026.

7. The appeal shall be listed on 02.03.2026. Parties are directed to file their written notes of argument by that time.

8. The application for suspension of sentence stands disposed of.

(H.S.Thangkhiew)
Judge

(Soumen Sen)
Chief Justice

Meghalaya
12.11.2025
"Sylvana PS"