



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 133 of 2025 in
Crl.A. No. 81 of 2025

Date of Decision: 08.12.2025

Shri. Skhem Syrti,
 Son of (L) C. Bareh,
 Resident of Jalaphet Village,
 East Jaintia Hills District, Meghalaya.
 Presently at Jowai District Prison and
 Correctional Home,
 West Jaintia Hills District, Meghalaya.

..... Appellant

- Vs-

The State of Meghalaya,
 Through the Secretary, Home
 (Police) Department, Shillong,
 Meghalaya.

..... Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. J. Shylla, Adv.
 Mr. F.L. Dkhar, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP with
 Mr. K.P. Bhattacharjee, GA.

i) Whether approved for reporting in	Yes/No
Law journals etc.:	



ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. J. Shylla, learned counsel for the appellant, who has submitted that this appeal is posted for hearing, and the hearing of the same has not yet commenced. Therefore, it is very likely that the appeal may take some time to be disposed of.

2. In the meantime, the appellant is also praying for suspension of the sentence. On this issue, the learned counsel has submitted that, facts and circumstances as could be seen from the records available, would show that the relationship between the appellant and the survivor is that of a love relationship, and therefore, no question of assault or force has arisen, even in the act of sexual intercourse, since as has been submitted, the relationship is consensual in nature.

3. It is also the submission of the learned counsel that the survivor had maintained that, at the time when the incident took place, she was 18 years or so, and also the fact that she is in love with the appellant, is reflected in her deposition in court as PW. 2, where she expressed her regret for what has happened to the appellant, that is, the fact that he was arrested in connection with the case.



4. It is the further submission of the learned counsel that the learned Trial Court had convicted the appellant, mainly on the ground that the complainant, who is the mother of the survivor had produced the birth certificate of the survivor, showing her age to be below 18 years at the time of the incident. However, the authenticity of the said certificate is under challenged in the appeal, inasmuch as, the same was just a photo copy and was not exhibited in court in terms with the provision of Section 65 of the Evidence Act. However, the learned counsel has reiterated that, at this juncture, considering the facts and circumstances of the case, the sentence of the appellant may be suspended and he be released on bail till the appeal is disposed of.

5. Mr. S. Sengupta, learned Addl. PP appearing on behalf of the State respondent, has submitted that the State respondent has no objection to the prayer of suspension.

6. Under the facts and circumstances as pointed out by the learned counsel for the appellant, and on the basis of what has been submitted as well as on perusal of the relevant portion of the records including the deposition of the survivor as PW. 2, this Court, is of the opinion that, notwithstanding the fact that the merits of this appeal are yet to be looked into, prima facie, the Court is convinced that the relationship between the appellant and the survivor



is that of a love relationship.

7. As opined hereinabove, the merits of the appeal, that is, the consideration of legal grounds is still to be taken up, however, at this juncture, this Court is inclined to allow the prayer of the appellant for suspension of the sentence. In this regard, it will not be out of place to refer to the case of **Vijayalakshmi & Anr v. State represented by the Inspector of Police & Anr reported in 2021 SCC OnLine Mad 317**, para 18, wherein, the Madras High Court has observed that:

“18. In the present case, the 2nd Petitioner who was in a relationship with the 2nd Respondent who is also in his early twenties, has clearly stated that she was the one who insisted that the 2nd Respondent take her away from her home and marry her, due to the pressure exerted by her parents. The 2nd Respondent, who was placed in a very precarious situation decided to concede to the demand of the 2nd Petitioner. Thereafter, they eloped from their respective homes, got married and consummated the marriage. Incidents of this nature keep occurring regularly even now in villages and towns and occasionally in cities. After the parents or family lodge a complaint, the police register FIRs for offences of kidnapping and various offences under the POCSO Act. Several criminal cases booked under the POCSO Act fall under this category. As a consequence of such a FIR being registered, invariably the boy gets arrested and thereafter, his youthful life comes to a grinding halt. The provisions of the POCSO Act, as it stands today, will surely make the acts of the boy an offence due to its stringent nature. An adolescent boy caught in a situation like this will surely have no defense if the criminal case is taken to its logical end. Punishing an adolescent boy who enters into a relationship with a minor girl by treating him as an offender, was never the objective of the POCSO Act. An adolescent boy and girl who are in the grips of their hormones and biological changes and whose decision-making ability is yet to



fully develop, should essentially receive the support and guidance of their parents and the society at large. These incidents should never be perceived from an adult's point of view and such an understanding will in fact lead to lack of empathy. An adolescent boy who is sent to prison in a case of this nature will be persecuted throughout his life. It is high time that the legislature takes into consideration cases of this nature involving adolescents involved in relationships and swiftly bring in necessary amendments under the Act. The legislature has to keep pace with the changing societal needs and bring about necessary changes in law and more particularly in a stringent law such as the POCSO Act.”

8. Accordingly, the sentence of the appellant is hereby suspended till disposal of the appeal on the conditions that:

- i) He shall not abscond or leave the jurisdiction of the State of Meghalaya; and
- ii) He shall bind himself on a personal bond of ₹ 20,000/- (Rupees twenty thousand) with one surety of like amount to the satisfaction of the learned Trial Judge who had passed the impugned judgment.

9. On the execution of the said bond, the appellant is directed to be released forthwith.

10. Misc. Case stands disposed of.

Judge