



<u>Serial No. 01</u> <u>Supplementary List</u>

HIGH COURT OF MEGHALAYA
AT SHILLONG

Tr. P. (Crl.) No. 7 of 2025

Date of Decision: 15.12.2025

Dr. Jimmy Carter N. Sangma,
Aged about 47 years
S/o Late Staline R. Marak,
R/o Burny Hills,
P.O. Dakopgre & P.S. Araimile,
West Garo Hills, Meghalaya-794101

... Petitioner(s)

Versus

1. State of Meghalaya represented by
The Secretary, Home Department,
Government of Meghalaya, Shillong

2. Shri Ratchang M. Sangma,
Aged about 52 years
S/o Late Wilnesh Marak
R/o Diringagre,
P.O. Dakopgre & P.S. Araimile,
West Garo Hills, Meghalaya-794101

... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. P.R. Paske, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. K. Khan, AAG
Ms. R. Colney, 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 AND ORDER (ORAL)

1. Heard Mr. P.R. Paske, learned counsel for the petitioner.
2. The instant application under Section 447 read with Section 528 of the BNSS, 2023, is seeking for transfer of Special POCSO Case No. 32/2015, from the Court of the District & Sessions Judge, South West Garo Hills District, Ampati to a competent Court of West Garo Hills District, Tura.
3. Mr. P.R. Paske, learned counsel for the petitioner has submitted that the petitioner is gravely prejudiced by the transfer of the case from Tura, West Garo Hills as the same is at the last stage, all witnesses are from Tura and the petitioner is facing severe health issues. It is further argued that the transfer of the case has also caused a jurisdictional anomaly contrary to Section-197 BNSS (earlier Section 177 Cr.P.C.).
4. Mr. A. Kumar, learned AG with Mr. K. Khan, learned AAG assisted by Ms. R. Colney, learned GA present on behalf of the State respondents, has submitted that the transfer was occasioned due to the recusal of the Special POCSO Judge, West Garo Hills, Tura vide order



24.07.2025. Further, it is submitted that South West Garo Hills, to where the case has been transferred is the closest to West Garo Hills, wherein the District & Sessions Judge has been vested with the powers of a Special POCSO Court. He therefore, submits that as the case is at the final stage, no interference is called for and the prayer be not allowed.

5. I have heard learned counsel for the parties and without issuing notice to the respondent No. 2, as the prayer concerns only the prayer for transfer, it is noted and as submitted that on recusal of the Special Judge, West Garo Hills vide order 24.07.2025, this Court's registry as directed by Hon'ble Chief Justice had transferred the case to the Court of the District & Sessions Judge, South West Garo Hills, for disposal. Though the prayer has been made by the learned counsel for the petitioner on the grounds of distance and health constraints, in the considered view of this Court, as South West Garo Hills is the nearest Court, wherein the District & Sessions Judge is vested with the powers under the Protection of Children from Sexual Offences Act, 2012, no interference is called for and the Transfer petition is disallowed and accordingly disposed of.

JUDGE

Meghalaya
15.12.2025
"V. Lyndem-PS"