



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 167 of 2025 in
Crl.Rev.P. No. 14 of 2025

Date of Decision: 29.12.2025

Shri. Bikash Das,
Son of (L) K. Das,
Resident of Asaighat, P.S Bazaricherra
Karimganj (Sribhumi) District, Assam,
Presently at Jowai District Prison and
Correctional Home, Jowai,
West Jaintia Hills District, Meghalaya.

..... Applicant

- 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. A. Kumar, AG with
Mr. J.N. Rynjah, GA.

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. J. Shylla, learned counsel for the applicant.
2. Also heard Mr. A. Kumar, learned AG assisted by Mr. J.N. Rynjah, learned GA on behalf of the State respondent.
3. It is the submission of the learned counsel for the applicant that the applicant was convicted firstly, by the Court of the learned Chief Judicial Magistrate, East Jaintia Hills District, Khliehriat in connection with GR Case No. 101/2019, the conviction being under Section 279/304A IPC, and for which, he was to undergo rigorous imprisonment for a period of 6(six) months for the offence punishable under Section 279 IPC and also to suffer rigorous imprisonment for a period of 2(two) years for the offence punishable under Section 304A IPC, the sentence to run concurrently.
4. The learned counsel also submits that, on appeal, the learned Sessions Judge, East Jaintia Hills District, Khliehriat, has dismissed the same vide order dated 10.12.2025 passed in Criminal Appeal No. 2 of 2025. Hence, this criminal revision petition.
5. At this point of time, the learned counsel for the applicant has made



a prayer for the criminal revision petition to be admitted and to be heard on merits. However, in the intervening period, it is prayed that the sentence may be suspended on the ground that the order of sentence as passed by the learned Chief Judicial Magistrate was devoid of reasons, and as such, the same cannot stand the scrutiny of law. Reference in this regard was made to the case of *Rahul Gandhi v. Purnesh Ishwarbhai Modi* reported in (2024) 2 SCC 595, para 5, 6 & 9. To support this contention, the learned counsel has referred to the impugned judgment passed by the learned Chief Judicial Magistrate, wherein in the order of sentence, the learned court has passed the sentence on the following observation *“After careful consideration of the circumstances, including the nature of the offence and the tragic death of a minor, I find that a mere fine would be inadequate and insensitive, especially in light of the gravity of the situation.”* This, according to the learned counsel is an observation devoid of legal reasoning, and as such, it would be justified for the sentence to be suspended at this point of time.

6. The learned AG has made no objection to the admission of the criminal revision petition, but has however strongly opposed the prayer made for suspension of the sentence on the ground that firstly, the conviction was a concurrent order by two courts, and as such, the facts and circumstances, of the case would indicate that the order of conviction has been rightly passed



against the applicant. Secondly, the learned AG has also referred to the records, to say that there was an eye-witness to the incident, wherein the applicant was accused of and finally convicted which involved a case of rash and negligent driving resulting in the death of a minor girl, and this was witnessed by PW. 4, who has said so in his deposition before the court, and particularly referred to the conduct of the applicant, who has fled from the scene after hitting the said minor girl by the vehicle he was driving. It is therefore prayed that the sentence at this point of time may not be suspended.

7. This Court has considered the submission made, and on the basis of the submission made by the learned counsel for the applicant, would hereby admit the criminal revision petition. The Trial Court records are directed to be produced before this Court on the next date fixed. As to the suspension of sentence, this Court, considering the fact that the conviction was made with regard to the offence punishable under Sections 279 as well as 304A IPC, admittedly both sections being bailable at the first instance, and also taking into account the case law referred to by the learned counsel for the applicant, placed in juxtaposition with the observation made by the learned Chief Judicial Magistrate, therefore, this Court is proceeded to allow the prayer made for suspension of sentence.

8. The sentence imposed upon the applicant is hereby suspended



provided that he shall not abscond, and that he shall furnish a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Court of the Chief Judicial Magistrate, East Jaintia Hills District, Khliehriat.

9. Misc. Case disposed of.

Judge