



HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.67/2026

Date of Order: 21.05.2026

Manjeet Kaushal

..... Petitioner

Vs.

State of Meghalaya, through the Superintendent of Police, CID,
Meghalaya, Shillong

..... Respondent

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioner : Mr. R. Singh, Adv

For the Respondent : Dr. N. Mozika, Special PP with
Mr. Philemon Nongbri, Adv

JUDGMENT: (Oral)

Heard learned counsel for the petitioner and learned
Special PP for the respondent.

2. By this petition, the petitioner seeks the following reliefs:

“A. Quash and set aside the order dated 18.05.2026
passed by the learned Judicial Magistrate First Class,
Shillong in G.R. Case No.130(S) of 2015;

B. Hold that the discharge application is required to be
decided only on the basis of the police report and
documents submitted under Section 173 Cr.P.C.;

C. Stay further proceedings in relation to Application Nos.
34 and 35 filed by the prosecution;



D. Direct the transfer of the G.R. Case No.130(S) of 2015 to the ld. Court of Chief Judicial Magistrate from the present Court of Ld. Magistrate; and

E. Direct the Learned Trial Court to decide the discharge application expeditiously and independently on day to day basis of the prosecution applications concerning alleged duplicate FSL reports and inspection of seized materials.”

3. At the outset, this Court may note that the learned counsel for the petitioner does not press prayer clause ‘A’, since this Court is inclined to expedite the hearing of the applications filed by the prosecution as well as the discharge application filed by the petitioner.

4. It is not in dispute that the FIR in the said case was lodged sometime in April, 2013. It is also not in dispute that the petitioner had filed a discharge application way back in 2015 and that the same is pending till date. It is also not in dispute that the aforesaid applications were heard by the learned CJM in the absence of the learned JMC, who was on leave and that the said applications are now again placed before the learned Magistrate.

5. Learned counsel for the petitioner submits that the discharge application, filed in November, 2015, is still pending



before the concerned Court since 2015, for more than 10 years, without any finality insight. He submits that the learned CJM in the absence of the learned Magistrate had heard the discharge applications on a few dates and when the learned Magistrate resumed duties after medical leave, the same came to be transferred to the learned Magistrate on 27th April, 2026. Learned counsel for the petitioner states that it is at this stage that the learned Magistrate directed the prosecution to verify whether the seized materials was available with them from the list given in the chargesheet. It is the petitioner's case, that the said material was not part of the chargesheet. Learned counsel submits that pursuant thereto, the prosecution filed an application in May, 2026 seeking unlocking of Room No.86 of the CID office, Shillong for verification of the seized materials. It appears that there was another application filed by the prosecution seeking a direction to the CFSL, Kolkata to issue a certified copy of the FSL report alongwith hard-drives and pen-drives to the prosecution. It is informed that the said applications are pending before the learned Magistrate, till date.



6. Considering that the discharge application is pending since 2015 and that two applications have been filed by the prosecution and also having regard to the fact, that the discharge application was heard at some length, at some point of time by the learned CJM, this Court deems it appropriate to transfer G.R. Case No.130(S) of 2015 to the Court of the learned CJM, in order to enable the learned CJM to decide the application filed by the petitioner i.e., discharge application and other connected discharge application, if any, as well as applications filed by the prosecution as expeditiously as possible. The learned CJM to decide the applications filed by the prosecution within two weeks from today. The discharge application be decided thereafter within 8 weeks. If necessary, the learned CJM to decide the case on day-to-day basis considering that the discharge application is of 2015.

7. The petition is allowed and disposed of on the aforesaid terms.

8. It is made clear, that this Court has not gone into the merits of the pending discharge applications or applications filed



by the prosecution and as such, keep all contentions of all parties on merits are kept open.

9. Needless to state, that all parties to cooperate with the learned Judge in the expeditious disposal of the pending applications. Needless to also state, that the transfer of the case from the learned Magistrate to the learned CJM is not a reflection on the conduct of the Magistrate, but only to ensure expeditious disposal of the case by the learned CJM.

10. All parties to act on the authenticated copy of this order.

**(Revati Mohite Dere)
Chief Justice**

Meghalaya
21.05.2026
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