



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CrI.M.C. No. 117 of 2026

Date of Decision: 06.07.2026

Shri. Lovingstar Binan
S/o Shri. Shaliwell Tynthai
R/o Lyndem Village, Raid Mawja,
Khyrim Syiemship PO & PS
Pynursla, East Khasi Hills District,
Meghalaya.

..... Appellant/Convict

-Vs-

The State of Meghalaya represented by
The Public Prosecutor, Shillong, Meghalaya.

..... Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Ms. D. Warjri, Legal Aid Counsel.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP

- | | | |
|-----|---|--------|
| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

Per W. Diengdoh, (J):

JUDGMENT AND ORDER (ORAL)

1. Heard Ms. D. Warjri, learned Legal Aid Counsel for the



appellant/convict, who has submitted that the appellant/convict has preferred an appeal before this Court against the impugned judgment dated 21.07.2025 and related order of sentence dated 22.08.2025 passed by the Court of the learned Special Judge (POCSO), East Khasi Hills District, Shillong in Special (POCSO) Case No. 72 of 2021, whereby, he was convicted and sentenced to undergo life imprisonment with fine of ₹ 10,000/- (Rupees ten thousand) only for an offence punishable under Section 377 IPC, and in default thereof, to undergo an additional 6(six) months rigorous imprisonment. The convict is also sentenced to 5(five) years imprisonment with fine of ₹ 5000/- (Rupees five thousand) only for an offence punishable under Section 506 IPC, and in default of payment of fine, to undergo an additional 3(three) months imprisonment, and under Section 323 IPC, the convict is also sentenced to undergo imprisonment for a period of 6(six) months with fine of ₹ 1000/- (Rupees one thousand) only, and in default of payment of fine, to undergo an additional 2(two) months imprisonment.

2. However, while preferring an appeal, a delay of 280 days has occurred, due to circumstances which is beyond the control of the appellant/convict, since he belongs to a poor family and uneducated background, is not aware of his legal rights to file appeal or to engage a private counsel. As such, he could not prefer an appeal within the prescribed period of limitation. Thereafter, legal aid was sought for, and accordingly, this application was processed through Legal Aid Counsel. It is therefore prayed that the delay be



condoned and the appeal be admitted.

3. Mr. S. Sengupta, learned Addl. PP appearing for the State respondent has no objection to the prayer for condonation of the delay.

4. On consideration of the submission made, we are persuaded to allow this application on being satisfied that the grounds cited for the delay contain sufficient cause. Accordingly, the delay of 280 days in preferring the appeal is hereby condoned.

5. Registry is directed to diarize the appeal and list it for admission after 1(one) week.

6. Misc. Case disposed of.

(B. Bhattacharjee)
Judge

(W. Diengdoh)
Judge