Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 142 of 2026 in
Crl.A. No. 78 of 2026

Date of Decision: 07.09.2026

Shri. Phomtores Kharbani
S/o Shri. S. Lyngkhoi,
Aged about 45 years
R/o Shriang Rymmaw Village,
West Khasi Hills District, Meghalaya
Presently serving sentence at District Prison & Correctional Home, Shillong.

…Applicant

-Versus-

State of Meghalaya
Represented by the Public Prosecutor
Government of Meghalaya

…Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Yobin, Adv. with
Ms. B.L. Lyngkhoi, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. P.P
Ms. S. Shyam, Asst. P.P
Mr. K.P. Bhattacharjee, GA

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

ii) Whether approved for publication in press: Yes/No

ORDER (ORAL)

1. Heard P. Yobin, learned counsel for the applicant who has submitted that this application has been preferred with a prayer for grant of suspension of sentence imposed upon the applicant/convict.

2. It is the submission of the learned counsel that the applicant on being convicted by the Trial Court was made to undergo rigorous imprisonment for a period of 3(three) years under Section 304 Part-II IPC with fine of ₹ 3000/- (Rupees Three Thousand) only, the date of conviction being 09.04.2025. In due course, the related appeal was filed before this Court with a prayer to set aside and quash the judgment and order dated 20.03.2025 and the said order of sentence dated 09.04.2025. However, in course of these proceedings, the applicant/convict had already served more than half of the sentence imposed on him. The fact that the appeal is not likely to be concluded in a short while, therefore, for ends of justice, the prayer made for suspension of the sentence may be allowed and the applicant/convict/appellant may be enlarged on bail with any conditions that this Court may deem fit to impose.

3. Mr. H. Kharmih, learned Addl. P.P appearing for the State has submitted that the sentence imposed upon the applicant/convict/appellant is just and proper in the light of the evidence recorded by the Trial Court

which has clearly proved the guilt of the applicant. However, as to the prayer for suspension of sentence, the learned Addl. P.P has left to the discretion of this Court to pass necessary order.

4. This Court has considered the submission made and on perusal of the records it is seen that an appeal has been preferred, the applicant/appellant being aggrieved and dissatisfied with the judgment and sentence imposed upon him by the Trial Court, apparently for an offence punishable under Section 304 Part-II of the IPC. This Court will not go into the merit of the case at this stage however, on the basis of the application and the facts as stated by the learned counsel for the applicant and also relying on the decision of the Supreme Court in the case of Atul Alias Ashutosh v. State of Madhya Pradesh reported in (2024) 3 SCC 663, wherein the Supreme Court had allowed suspension of sentence pending hearing of the appeal by the appellant who had served half the sentence imposed on him, as such finding this a fit case to employ the ratio of the said case referred to hereinabove, the prayer of the applicant is hereby allowed.

5. Accordingly, pending disposal of the appeal, the sentence of the applicant/appellant is hereby suspended. The applicant/appellant is to be released on bail on the following conditions:

i. That he shall not abscond;

ii. That he shall diligently pursue the appeal before this Court;

iii. That he shall not leave the jurisdiction of Meghalaya without prior permission of this Court; and

iv. That he shall bind himself on a personal bond of ₹ 10,000/- (Rupees Ten Thousand) only with one surety of like amount to the satisfaction of the Trial Court.

6. Let copy of this order be issued upon the Trial Court for compliance.

7. Criminal Misc. Case disposed of.

Judge

Meghalaya
07.09.2026
"Tiprilynti–PS"

Signature Not Verified
Digitally signed by
TIPRILYNTI KHARKONGOR
Date: 2026.09.07 18:31:48 IST