



Serial No.15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 66 of 2024

Date of Order: 14.09.2026

Shri. Hubert M. Shullai,
S/o. Humbert Shullai
Resident of Block - IV, Umpling, Dongshaneng,
East Khasi Hills, Meghalaya.

.....Petitioner

-VERSUS-

1. Smti. loomonika Lamin
D/o Shri. B. Lyngdoh
Resident of Wahdienglieng Cleve Colony,
East Khasi Hills, Meghalaya.

2. Smti. Riolina Jones Nongrum,
D/o. (L) Syngkon Kynsai Jones,
Resident of Pohkse North,
East Khasi Hills, Meghalaya.

3. Smti. Madona Mawthoh,
W/o. Shri. Longmanbha Thangkhiew
Resident of Umpling Dongshaneng
East Khasi Hills District, Meghalaya..

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. L. Khyriem, Adv.
For the Respondent(s) : Mr. M.F. Qureshi, Adv.

ORDER (Oral)

Heard Mr. L. Khyriem, learned counsel appearing for the petitioner,
and also Mr. M.F. Qureshi, learned counsel appearing for the respondent No.



1. There is no appearance on behalf of respondent Nos. 2 and 3 despite service of due notice.

This criminal petition u/s 482 Cr.P.C. has been filed challenging the order dated 07.01.2021 passed in C.R. Case No. 05 (A) of 2020 u/s 145 Cr.P.C. and the order dated 07.11.2024 passed in CRL.REV -1(A) of 2021 by the learned Executive Magistrates, East Khasi Hills District, Shillong.

The brief fact of the case is that by an order dated 07.01.2021, the learned Executive Magistrate, East Khasi Hills District, Shillong, on the basis of materials on record, while expressing apprehension of likelihood of a breach of peace between the parties, issued notice to the petitioners as well as the respondents herein asking them to appear in person or through counsel along with all the documents pertaining to the disputed land. The petitioner challenged the aforesaid order, by preferring a revision u/s 397 Cr.P.C., which was placed before another Executive Magistrate, East Khasi Hills District, Shillong. The Executive Magistrate, on being endorsed with the revision petition, by an order dated 07.11.2024, held that the Court of the Executive Magistrate was not empowered to deal with the revision petition u/s 397 Cr.P.C. and that only the High Court and the Court of Session could exercise jurisdiction in such a case of revision and accordingly dismissed the revision petition filed by the petitioner. Being aggrieved and dissatisfied with the dismissal of the revision petition, the petitioner has challenged the orders dated 07.01.2021 and 07.11.2024 in this petition and also prayed for quashing of the proceedings of C.R. Case No. 5 (A) of 2020.

Mr. M.F. Qureshi, learned counsel appearing for the respondent No.1, at the outset, challenged the maintainability of this criminal petition before this Court and submitted that the orders under challenge herein are revisable before the Court of the Sessions Judge u/s 397 Cr.P.C. He, thus, contends that the petitioner could not have approached this Court without first approaching the Court of Session in accordance with law.



Mr. L. Khyriem, learned counsel appearing for the petitioner, does not dispute the submission that the impugned orders could have been challenged by filing a revision petition before the Court of Sessions Judge, but submits that the petitioner is compelled to approach this Court because of improper taking up of the revision petition of the petitioner by the Executive Magistrate and dismissal of the same in gross violation of law.

While it is correct that an Executive Magistrate has no jurisdiction to take up a revision petition filed against an order passed in exercise of power u/s 145 Cr.P.C., a perusal of the materials on record shows that the revision petition of the petitioner was filed before the Court of the Additional District Magistrate (ADM), who also apparently does not have jurisdiction to entertain any revision petition u/s 397 Cr.P.C. against an order passed in a proceeding u/s 145 Cr.P.C. Hence, the revision petition filed by the petitioner before the Court of the ADM was not maintainable.

In the above situation, in the interest of justice, without expressing any opinion with regard to the merits of the case, the instant criminal petition is disposed of with liberty to the petitioner to approach the appropriate Court challenging the aforesaid impugned orders dated 07.01.2021 and 07.11.2024 in accordance with law, if so advised.

With the above, this criminal petition stands disposed of.

Judge

Meghalaya
14.09.2026
Abhinandan P.S