Serial No.08
Regular. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Rev. P. No. 1 of 2018 Date of Order: 02.03.2020

Shri. Holithson Sangma **Vs.** State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. R. Kar, Adv.

For the Respondent(s) : Mr. K. Khan, Addl. PP with
Mr. A. H. Kharwanlang, GA

The petitioner has approached this Court by way of this Criminal Revision Petition, particularly against the order dated 05-02-2018 passed by the learned Judicial Magistrate, First Class, Williamnagar, West Garo Hills in G.R. case No. 26 of 2017.

The petitioner herein who is the accused in the said criminal case has approached the learned Judicial Magistrate, First Class, with a prayer for transfer of the case to the Garo Hills District Council Court on the ground that both the parties involved in this case belongs to the Scheduled Tribe of the State of Meghalaya and, as such, as provided under the Sixth Schedule to the Constitution of India, cases between tribal are required to be tried by the District Council Court.

The learned presiding officer upon hearing the both the parties has come to the conclusion that it is not a fit case for transfer to the District Council Court and, as such, the petition is rejected. Hence, this petition.

In course of hearing, the learned counsel for the petitioner Mr. R. Kar as well as learned Senior PP Mr. K. Khan without advancing detailed submission on the issue, has submitted that the said proceeding before the learned Judicial Magistrate, First Class, may be withdrawn and the matter to be sent to the District Council Court at Tura, West Garo Hills for trial and disposal, accepting the fact broadly that both the parties are members of the Scheduled Tribe and as such the proper forum would be the District Council Court.

This being the case, this Court is of the opinion that the matter can be disposed of at this stage.

Accordingly, the said impugned order dated 05-02-2018 is hereby set aside as the same is passed without jurisdiction and the said G.R. Case No. 26 of 2017 is directed to be prosecuted before the District Council Court, West Garo Hills, Tura.

Learned Trial Court is directed to transfer the records to the Court of the Judge, District Council Court, West Garo Hills, Tura for disposal of the same in accordance with law.

Parties to appear before the Court of the Judge District Council Court, Tura on 31st March, 2020 for further orders.

With the above, this petition is hereby disposed of.

Judge

Meghalaya
02.03.2020
"Biswarup PS"