Serial No. 01
Supplementary
List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 108 of 2024

Date of Order: 16.10.2024

Shri. Emanuel Marwein,
Son of Shri. Constantine Lyngdoh Marshiangbai,
Resident of Sohparu Village,
West Khasi Hills District, Meghalaya
Presently at Shillong District Prison and Correctional Home, Shillong,
East Khasi Hills District, Meghalaya ::::: **Petitioner/Appellant**

-Vs-

The State of Meghalaya through the
Secretary Home (Police) Department,
Shillong, Meghalaya ::::: **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. M.L. Nongpiur, Adv.
Ms. R. Fancon, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. PP.
Mr. K.P. Bhattacharjee, GA.

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i) Whether approved for reporting in Yes/No

Law journals etc.:

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

ORAL:

1. Heard Mr. M.L. Nongpiur, learned counsel for the petitioner/appellant, who has submitted that the petitioner/appellant has filed an appeal before this Court challenging his conviction vide judgment and order dated 12.10.2022 passed by the learned Special Judge, POCSO, Nongstoin, West Khasi Hills District in Special (POCSO) Case No. 25 of 2018 and the sentencing order dated 12.10.2022. However, in the process of preferring the related appeal, a delay of 673 days has occurred, the reason being the financial incapability of the appellant and his family members and also the non-availability of the complete requisite documents which has prevent the petitioner/appellant to prefer the appeal in time. It is therefore prayed that this application for condonation of delay be allowed and the appeal be admitted.

2. Mr. S. Sengupta, learned Addl. PP appearing for the State respondent has no objection to the prayer made, but has however submitted that the order of conviction relates to a sentence of 10 years,

and as such, the petitioner/appellant may be allowed to defend his case.

3. This Court on consideration of the submission made is concerned about the length of delay in filing the related appeal, the reasons cited by the learned counsel for the petitioner/appellant does not sound convincing since it is incumbent upon him to be aware of the situation and to take necessary steps diligently. However, this Court is also conscious of the fact that an appeal against conviction is a matter to be taken seriously since it concern the personal liberty of a person/convict. Accordingly, taking everything into consideration including the response of the State respondent, the prayer for condonation of delay of 673 days is allowed.

4. Misc. Case stands disposed of.

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

(B. Bhattacharjee)
Judge

(W. Diengdoh)
Judge

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Date: 2024.10.16 17:07:31 IST