



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 23 of 2026

Date of Decision: 23.03.2026

Shri. Jesbil Umbah,
Son of (L) Jrep Khymdeit,
Resident of: Village Mawlaho,
P.S: Nongpoh,
District: Ri-Bhoi, Meghalaya.

Presently lodged in District Prison &
Correctional Home, Ri-Bhoi District,
Nongpoh.

..... **Applicant**

-Vs-

State of Meghalaya through
Public Prosecutor

..... **Opposite Party/
Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S.D. Upadhaya, Legal Aid Counsel.
Ms. A. Synrem, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.
Mr. H. Kharmih, 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 Mr. S.D. Upadhaya, learned Legal Aid Counsel, who has submitted that the accused/applicant has filed an appeal before this Court, being aggrieved by the impugned judgment dated 08.12.2022 and related order of sentence dated 22.12.2022 passed by the Court of the learned Special Judge (POCSO), Ri-Bhoi District, Nongpoh in POCSO Case No. 38 of 2015, whereby, he was directed to undergo (i) imprisonment for a term of 7 years with fine of ₹ 20,000/- (Rupees twenty thousand) only, under Section 10 of the POCSO Act, (ii) imprisonment for a term of 7 years with fine of ₹ 10,000/- (Rupees ten thousand) only, under Section 354B IPC and (iii) imprisonment for a term of 20 years with fine of ₹ 20,000/- (Rupees twenty thousand) only, under Section 376 (2) IPC, and in default thereof, to undergo another 1(one) month imprisonment for each default.

2. However, while preferring an appeal, a delay of 1105 days has occurred, the reason being that the accused/applicant is an illiterate person, economically backward with no means to engage a counsel. Thereafter, a Legal Aid Counsel was provided to him, and eventually, the appeal was prepared by the Legal Aid Counsel. It is therefore prayed that the delay be



condoned and the appeal be admitted.

3. Mr. R. Gurung, learned GA appearing for the State respondent has no objection to the prayer for condonation of the delay.

4. On consideration of the submission made, we find that there are good grounds for the appeal to be heard on merits. Accordingly, the delay of 1105 days in preferring the appeal is hereby condoned.

5. Registry is directed to diarize the appeal and list it for admission on 01.04.2026.

6. Misc. Case disposed of.

(B. Bhattacharjee)
Judge

(W. Diengdoh)
Judge