**Serial No. 02**
**Regular List**

MLHC010006062026

# HIGH COURT OF MEGHALAYA
# AT SHILLONG

Crl.M.C. No. 74 of 2026 in
Crl.A. No. 38 of 2026

Date of Decision: 19-11-2026
Uploaded on: 19-11-2026

Shri. Nenggrik D. Sangma,
Son of Shri. W.Ch. Sangma,
(Convict presently serving sentence in
Correctional Home & Prisons, Tura),
Aged about 28 years,
Resident of Sandagre,
P.S. Tura,
District West Garo Hills, Meghalaya.

…… **Appellant(s)**

- Vs -

State of Meghalaya
Through the Commissioner &
Secretary to the Government of Meghalaya,
Department of Home (Police),
Civil Secretariat, Shillong.

…… **Respondent(s)**

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Ms. P. Chettri, LAC.

For the Respondent(s) : Mr. J. Thabah, GA.

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

ii) Whether approved for publication

in press: Yes/No

**JUDGMENT (ORAL):**

1. Heard Ms. P. Chettri, learned Legal Aid Counsel for the appellant, who has submitted that this application under Section 430 BNSS has been filed with a prayer for suspension of the sentence of the appellant/convict, who apparently has completed more than half of the sentence imposed upon him, the said sentence being of 7 years imprisonment, and that, as on date, he has been in custody for more than 3 years. She also submits that, since the appeal may not be able to be disposed of in the near future, it is therefore prayed that the sentence imposed may be suspended, and the appellant/convict may be released on bail with any conditions deemed fit and proper to be imposed by this Court.

2. The learned Legal Aid Counsel has also submitted that this Court had called for the report from the jail authorities as far as the conduct of the appellant/convict is concerned, and that vide communication dated 06.11.2026, the Superintendent, District Prison and Correctional Home, West Garo Hills, Tura, has issued the said conduct certificate with an overall observation that the conduct, behaviour and disciplinary record of the appellant/convict is found well behaved and disciplined.

3. Mr. J. Thabah, learned GA appearing on behalf of the State respondent, has submitted that since the paper book has not yet been prepared and produced before this Court, therefore, the merits of the case could not have

been gone through by this Court, and the prayer made in this application may not be taken up at this stage.

4. In reply, the learned Legal Aid Counsel has referred to the order dated 07.09.2026 passed by this Court in Crl.M.C. No. 142 of 2026 in Crl.A. No. 78 of 2026, wherein, the appellant/convict therein, who has since completed more than half the sentence imposed upon him, was allowed to go on bail and his sentence suspended. The order passed in such case has been produced before this Court for perusal.

5. This Court has considered the submission made, and has taken note of the conduct certificate issued by the Superintendent, District Prison and Correctional Home, West Garo Hills, Tura, and on the facts and circumstances of the case of the parties, the observation made by this Court at para 4 of the said order dated 07.09.2026 (supra), there appears to be no impediment for a similar order to be passed herein. Accordingly, the said observation at para 4 is reproduced herein below:

> **"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.*

6. In view of the above observation, this Misc. Case is hereby allowed.

7. The sentence of the appellant/convict is hereby suspended. He 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.

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

9. Misc. Case disposed of.

**Judge**

Meghalaya
19-11-2026
***"D. Nary, PS"***



Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 19-11-2026 18:34:32 IST