



<u>Serial No. 04</u> <u>Supplementary List</u>

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 79 of 2026

Date of Decision: 30.04.2026

Shri. Kamal Rabha
 S/o (L) Hera Rabha
 R/o Barduar Bagan Bazar,
 P.S Mirza Police Station,
 Kamrup District,
 Assam.

..... **Petitioner**

- Vs-

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

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Chanda, Legal Aid Counsel.

For the Respondent(s) : Mr. E.R. Chyne, GA.

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

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



JUDGMENT AND ORDER (ORAL)

1. Heard Mr. S. Chanda, learned Legal Aid Counsel for the applicant, who has submitted that the applicant has filed an appeal before this Court, being aggrieved and dissatisfied by the impugned judgment dated 13.12.2022 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. 9 of 2017 under Section 8 of the POCSO Act and under Section 341/354/506 IPC, whereby, he was convicted and directed to undergo imprisonment for a period of 3(three) years with fine of ₹ 10,000/- (Rupees ten thousand) only, under Section 354 IPC, rigorous imprisonment for a period of 3(three) years with fine of ₹ 20,000/- (Rupees twenty thousand) only, under Section 392 IPC, rigorous imprisonment for a period of 4(four) years with fine of ₹ 20,000/- (Rupees twenty thousand) only, under Section 394 IPC. In default of payment of fine, to undergo another 1(one) month imprisonment for each default.

2. However, while preferring an appeal, a delay of 1172 days has occurred, due to circumstances which is beyond the control of the applicant, being an indigent person with no support from his family members/relatives, as such, he could not prefer an appeal within the prescribed period of limitation. Thereafter, legal aid was sought for, and accordingly, this application was processed through a Legal Aid Counsel. It is therefore prayed that the delay be



condoned and the appeal be admitted.

3. Mr. E.R. Chyne, 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, this Court is inclined to allow this application on being satisfied that the grounds cited for the delay contain sufficient cause. Accordingly, the delay of 1172 days in preferring the appeal is hereby condoned.

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

6. Misc. Case disposed of.

Judge