Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 153 of 2026

Date of Decision: 29.07.2026

Bobi Marwein @ Bobby Marwein,
S/o Shri (L) Gojen Sangmai
R/o Lummawsiang Umdum,
P.S. Mairang, Eastern West Khasi Hills District,
Nongstoin, Meghalaya.

…….. **Applicant**

-Vs-

State of Meghalaya through
Superintendent of Police,
West Khasi Hills District,
Nongstoin, Meghalaya.

…… **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Ms. C.R. Marak, Adv. vice
Ms. S. Nongsiej, LAC.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA.

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 Ms. C.R. Marak, learned counsel appearing on behalf of Ms. S. Nongsiej, learned Legal Aid Counsel for the applicant, who has submitted that the applicant has preferred an appeal before this Court against the impugned judgment dated 28.05.2025 and related order of sentence dated 30.05.2025 passed by the Court of the learned Special Judge (POCSO), West Khasi Hills District, Nongstoin in Special (POCSO) Case No. 2 of 2023, whereby, he was convicted and sentenced to undergo rigorous imprisonment for a period of 15(fifteen) years with fine of ₹ 20,000/- (Rupees twenty thousand) only, and in default thereof, to undergo further simple imprisonment of 6(six) months for an offence punishable under Section 5(m)(n)/6 of the POCSO Act.

2. However, while preferring an appeal, a delay of 361 days has occurred, due to circumstances which is beyond the control of the applicant, since he belongs to the below poverty line working as a daily wager, and his family members are also not aware of his legal rights to file appeal or to engage a private counsel. 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 Legal Aid Counsel. It is therefore prayed that the delay be condoned and the appeal be admitted.

3. Mr. K.P. Bhattacharjee, 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 are persuaded to allow this application on being satisfied that the grounds cited for the delay contain sufficient cause. Accordingly, the delay of 361 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.

(B. Bhattacharjee)
Judge

(W. Diengdoh)
Judge

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