Serial No. 05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 201 of 2026

Date of Decision: 07.09.2026

Shri. Bringstarwell Kharbani,
S/o Smti, Jedralis Kharbani,
R/o Mawrangkang Pongkung Village,
East Khasi Hills District,
Meghalaya.

…….. **Applicant**

-Vs-

The State of Meghalaya through the
Public Prosecutor,
The High Court of Meghalaya,
At Shillong.

…… **Opposite Party**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. E. Laloo, LAC.

For the Respondent(s) : Mrs. N.G. Shylla, PP with
Ms. I. Lyngwa, 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. E. Laloo, learned Legal Aid Counsel for the applicant, who

has submitted that the applicant has preferred an appeal before this Court against the impugned judgment and related order of sentence dated 11.05.2023 passed by the Court of the learned Special Judge (POCSO), West Khasi Hills District, Nongstoin in Special (POCSO) Case No. 20/2020, whereby, he was convicted and sentenced to undergo rigorous imprisonment for a period of 25(twenty-five) years with fine of ₹ 50,000/- (Rupees fifty thousand) only, and in default thereof, to undergo further simple imprisonment of 6(six) months for an offence punishable under Section 6 of the POCSO Act. The applicant is also convicted and sentenced to undergo simple imprisonment for a period of 1(one) year with fine of ₹ 1000/- (Rupees one thousand) only, and in default of payment of fine, to undergo further simple imprisonment of 1(one) month for an offence punishable under Section 506 Part-I IPC.

2. However, while preferring an appeal, a delay of 1148 days has occurred, due to circumstances which is beyond the control of the applicant, being a daily wage labourer and economically backward and illiterate, has no means to engage a private counsel, as such, he could not prefer an appeal within the statutory period. Thus, 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. Mrs. N.G. Shylla, learned PP assisted by Ms. I. Lyngwa, learned Addl. PP 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 1148 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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