Serial No.03
Regular List

MLHC010015422026

HIGH COURT OF MEGHALAYA
AT SHILLONG

Date of Decision: 19.11.2026

Crl. Rev.P. No. 15 of 2026 Uploaded on: 19.11.2026

Audine Synnah,
Daughter of Smti. Angelicia Synnah,
Resident of Nongrim Road, Laitumkhrah,
Shillong, East Khasi Hills District,
Meghalaya - 793003.

…..Petitioner

-VERSUS-

1. State of Meghalaya
Represented by the Commissioner and
Secretary,
Home Police Department,
Government of Meghalaya.

2. Shri Mevin Slong,
Son of Shri Kishore Kalra
Resident of Lama villa, Garikhana,
Shillong, East Khasi Hills District,
Meghalaya

…..Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Thapa, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. I. Lyngwa, GA. (R:1)
Mr. J.M. Thangkhiew, Adv. (R:2)

Judgment and Order (Oral)

1. Heard Mr. S. Thapa, learned counsel appearing for the petitioner, Mr. N.D. Chullai, learned AAG assisted by Ms. I. Lyngwa, learned GA appearing for the State-respondent No.1 and Mr. J.M. Thangkhiew, learned counsel appearing for the respondent No.2.

2. This revision petition is directed against the impugned order dated 30.07.2026 passed by the learned Addl. Judge, District Council Court, East Khasi Hills District, Shillong in Application No. 373/20 arising out of G.R. Case No. 611 (A) of 2020 by which the prayer of the petitioner to permit her counsel to assist the Public Prosecutor in conducting the case was rejected.

3. The brief fact of the present matter is that on the basis of the FIR lodged by the petitioner against the respondent No. 2, a case was registered and subsequently a chargesheet dated 08.04.2021 u/s 325/307/354/509/506/341 IPC was submitted, and the respondent No. 2 was made to face trial in G.R. Case No. 611 (A) of 2020 pending before the learned Addl. Judge, District Council Court, East Khasi Hills District, Shillong. During the course of the pendency of the proceeding, the petitioner, being the complainant, filed an application for allowing her appointed counsel to assist the Public Prosecutor/Additional Public Prosecutor in conducting the case. The said application was registered as Application No. 373/20, and the learned Additional Judge, after hearing the parties, by impugned order dated 30.07.2026 rejected the prayer of the petitioner. Being aggrieved, the petitioner has approached this Court by way of the present criminal revision petition.

4. Mr. S. Thapa, learned counsel appearing for the petitioner submitted that the impugned order is out and out illegal and arbitrary inasmuch as the court below has passed the order without appreciating the provision of law contained in Section 338 of the BNSS. He submits that the petitioner had no intention to take over the prosecution of the case, but was only praying for permission to render assistance to the Public Prosecutor in conducting the

case. He, therefore, contends that the impugned order is not tenable in law and is liable to be interfered with. He prays that the petitioner may be allowed to render assistance to the Public Prosecutor/Additional Public Prosecutor in conducting the case in accordance with law.

5. Mr. N.D. Chullai, learned AAG appearing for the State respondent No.1 on the other side, in his usual fairness conceded that the learned court below should not have rejected the prayer of the petitioner since the prayer was confined to rendering assistance to the Public Prosecutor. By placing reliance on the decision of the Apex Court in the case of *Rekha Murarka v. State of West Bengal & Another, (2020) 2 SCC 474*, learned AAG submits that the complainant in a criminal case can render assistance to the Public Prosecutor/Additional Public Prosecutor and the extent of participation/assistance is confined to the law laid down in Section 338 (2) BNSS and paragraph 11.4 of the aforesaid decision. He, therefore, submits that the prayer of the petitioner may be allowed subject to strict adherence to the limitations prescribed by law.

6. Mr. J.M. Thangkhiew, learned counsel appearing for respondent No. 2 has also not raised any objection to the prayer made by the petitioner and endorsed the submission made by the learned AAG.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the parties, there is no requirement for this Court to go into a detailed elaboration of the grounds raised in the revision petition. Section 338 BNSS reads as follows: -

> *"(1) The Public Prosecutor or Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.*
>
> *(2) If in such case any private person instructs his advocate to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the advocate so instructed shall act therein under the directions of the Public Prosecutor or Assistant Public Prosecutor, and may, with*

> *the permission of the Court, submit written arguments after the evidence is closed in the case."*

Further, the Apex Court in the decision of *Rekha Murarka (supra)*, at para 11.4 held: -

> *"11.4. In this regard, given that the modalities of each case are different, we find that the extent of assistance and the manner of giving it would depend on the facts and circumstances of each case. Though we cannot detail and discuss all possible scenarios that may arise during a criminal prosecution, we find that a victim's counsel should ordinarily not be given the right to make oral arguments or examine and cross-examine witnesses. As stated in Section 301(2), the private party's pleader is subject to the directions of the Public Prosecutor. In our considered opinion, the same principle should apply to the victim's counsel under the proviso to Section 24(8), as it adequately ensures that the interests of the victim are represented. If the victim's counsel feels that a certain aspect has gone unaddressed in the examination of the witnesses or the arguments advanced by the Public Prosecutor, he may route any questions or points through the Public Prosecutor himself. This would not only preserve the paramount position of the Public Prosecutor under the scheme of CrPC, but also ensure that there is no inconsistency between the case advanced by the Public Prosecutor and the victim's counsel."*

8. Read in the above light, it appears that the complainant in a criminal case investigated by the police can render assistance to the Public Prosecutor/Additional Public Prosecutor as per law contained in Section 338 (2) BNSS and the observation of the Apex Court in the aforesaid decision. Since it has been categorically submitted by the learned counsel appearing for the petitioner that the petitioner has no intention to take over the prosecution and will abide by the proposition of law laid down in Section 338 (2) of the BNSS and also the decision of the Apex Court, this revision petition is allowed.

9. Resultantly, the impugned order dated 30.07.2026 passed by the

learned Additional Judge, District Council Court, Shillong in Application No. 373/20 arising out of G.R. Case No. 611 (A) of 2020 is hereby set aside. The private counsel engaged by the petitioner is allowed to render assistance to the Public Prosecutor/Additional Public Prosecutor in conducting G.R. Case No. 611 (A) of 2020 strictly in accordance with law.

10. The criminal revision petition stands allowed.

11. Interim-order, if any, passed earlier stands vacated.

Judge

Meghalaya
19.11.2026
"Abhinandan,PS"

Verified
Digitally signed by: ABHINANDAN KUMAR
Signed On: 19-11-2026 17:03:17 IST