Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 251 of 2026

Date of Decision: 26.10.2026
Uploaded on: 26.10.2026

Shri. Heingaid Bareh
Son of Smti. Mitis Bareh
Resident of Mowbar (Mowjem),
West Jaintia Hills District,
Meghalaya.
(Currently lodged in District
Prisons & Correctional Home,
Jowai).

……. **Applicant(s)**

-Vs-

The State of Meghalaya represented by
The Public Prosecutor,
High Court of Meghalaya,
Shillong.

…… **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S. Goenka, LAC.

For the Respondent(s) : Mrs. T. Yangi. B, AAG with
Ms. O.A.I. Bang, 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 (ORAL):

1. Heard Mr. S. Goenka, 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 12.08.2025 and related order of sentence dated 18.08.2025 passed by the Court of the learned Special Judge (POCSO), West Jaintia Hills District, Jowai in Special POCSO Case No. 7 of 2018, whereby, he was convicted and sentenced to undergo imprisonment for a period of 20(twenty) years with fine of ₹ 30,000/- (Rupees thirty thousand) only, and in default thereof, to undergo another 3(three) months imprisonment for the offence punishable under Section 4 of the POCSO Act.

2. However, while preferring an appeal, a delay of 353 days has occurred in the meantime, the reason being that the applicant is an illiterate person and lacking financial resources, is not aware of his legal rights to file an appeal or to engage a counsel. As such, due to circumstances which is beyond the control of the applicant, 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. Mrs. T. Yangi. B, learned AAG assisted by Ms. O.A.I. Bang, 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 353 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

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 26-10-2026 17:50:38 IST