Serial No. 12
Regular List

MLHC010018092026

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 264 of 2026

Date of Order: 04.11.2026

Shri. Swik Symbei
Son of (L) Muitising Puwet
(Convict presently serving sentence in District Correctional Home & Prisons, Shillong)
Resident of Nongummer Village,
P.S. Mawkyrwat, South West Khasi Hills District,
Meghalaya

……Applicant/Appellant

-VERSUS-

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
Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. P. Ghosh, Adv. vice
Ms. N.M. Kharshemlang, LAC

For the Respondent(s) : Mr. H. Kharmih, Addl. P.P
Ms. S. Shyam, Asst. P.P

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

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

JUDGMENT (ORAL):

1. Mr. P. Ghosh, learned counsel on behalf of the learned Legal Aid Counsel for the applicant/appellant Ms. N.M. Kharshemlang has submitted that

the applicant/appellant after his conviction has preferred an appeal before this Court on being aggrieved and dissatisfied with the judgment and the related order of sentence dated 06.01.2021 passed by the learned Special Judge (POCSO), Mawkyrwat in POCSO Case No. 11 of 2015 under Section 376(2)(f) IPC read with Section 3(a)/4 of the POCSO Act. However, while preferring the same, a delay of 2059 days has occurred. Hence, the application.

2. The learned counsel has submitted that the applicant after exhausting all means was not able to prefer the appeal since the applicant was faced with financial inability and this has caused for the delay in filing the appeal. The applicant, finally, through the jail authorities had sought for legal aid in preferring the appeal and the time taken in the process of legal aid had also attributed to the delay in filing the appeal within the statutory period which cause was beyond the control of the applicant.

3. The learned counsel therefore prays that the application may be allowed and delay of 2059 days may accordingly be condoned.

4. Mr. H. Kharmih, learned Addl. P.P has no objection to the prayer for condonation.

5. We have considered the submission and on perusal of the pleadings made in this application, this Court is hereby persuaded to allow the prayer made.

6. Accordingly, the delay of 2059 days in preferring the related appeal is hereby condoned.

7. Registry to diarize the appeal and list the same for admission after 1(one) week.

8. Misc. Case disposed of.

(B. Bhattacharjee)
Judge

(W. Diengdoh)
Judge

Meghalaya
04.11.2026
"Tiprilynti–PS"

Verified
Digitally signed by: TIPRILYNTI KHARKONGOR
Signed On: 04-11-2026 18:10:47 IST