Serial No. 03
Regular List

MLHC010018902026

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 276 of 2026

Date of Decision: 11-11-2026
Uploaded on: 11-11-2026

Shri. Withelson Marak,
S/o (L) Gojendro N. Sangma,
R/o Gohanimara, Mawshynrut,
West Khasi Hills District, Meghalaya.

…….. **Applicant(s)**

-Vs-

State of Meghalaya
Represented by the Commissioner &
Secretary, Home (Police) Department,
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. Deb, LAC.

For the Respondent(s) : Mr. S. Sengupta, 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 (ORAL):

1. Heard Mr. S. Deb, 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 19.08.2025 passed by the Court of the learned Special Judge, (POCSO), West Khasi Hills District, Nongstoin in Special (POCSO) Case No. 45 of 2023, whereby, he was convicted and sentenced to undergo rigorous imprisonment for a period of 20(twenty) 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.

2. However, while preferring an appeal, a delay of 383 days has occurred on the ground that the applicant comes from a poor financial background, being uneducated and not having any proper source of income, 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. It was only when a legal aid was accorded to him that the related appeal has been filed. This being the case, the learned Legal Aid Counsel prays that this Court may be pleased to condone the delay in filing the related appeal.

3. Mr. S. Sengupta, 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 383 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

Meghalaya
11-11-2026
"D. Nary, PS"

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 11-11-2026 16:52:11 IST