



Serial No.03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cr1.Petn.No.6/2025

Date of Order: 11.02.2026

Shri Showmewell Kyndait

..... Petitioner

Vs.

1. State of Meghalaya, represented by the Secretary to the Government of Meghalaya, Home (Police) Department, Shillong.

2. The Superintendent of Police, East Jaintia Hills District, Khliehriat.

3. The Officer-in-Charge, Khliehriat Police Station, East Jaintia Hills, Meghalaya. Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioner : Mr. J. Shylla, Adv with
Mr. R. Kharkrang, Adv

For the Respondents : Mr. N.D. Chullai, AAG with
Ms. R. Colney, GA

JUDGMENT: (Oral)

Heard learned counsel for the parties.

2. By this petition, preferred under Section 528 BNSS, the petitioner has impugned the order dated 5th February, 2024, passed by the learned Sessions Judge in Sessions Case No.21 of 2023, by which the learned Judge was pleased to reject the petitioner's application seeking his discharge from the said case.



3. Learned counsel for the petitioner submits that there is no material qua the petitioner and that the learned Judge erred in passing the impugned order by not discharging the petitioner from the said case. He submits that in this view of the matter, the petitioner be discharged and the case be quashed qua the petitioner.

4. Learned AAG opposed the petition. He submitted that no interference was warranted in the impugned order. He also submitted that even otherwise the trial has commenced and that till date about five witnesses have been examined by the prosecution.

5. Perused the papers, it appears that the petitioner is facing a prosecution along with other co-accused for the alleged offences punishable under Sections 307, 392, 326, read with Section 34 of the IPC.

6. The FIR was lodged by S.I. A. Iawphniaw against the accused, alleging an incident of robbery and attempted murder at Tuber Sohshrieh, East Jaintia Hills District, on 8th November, 2018, at about 1:30 pm. Post the registration of the FIR, a charge sheet was filed in the said



case on 14th March, 2019, against the petitioner and other co-accused. It appears that there are more than 15 accused in the said case. As the offences were triable by the Court of Sessions, the case has been committed to the Court of Sessions, i.e., before the learned Sessions Judge, Khliehriat, and is numbered as Sessions Case No.21 of 2023.

7. It is not in dispute that the petitioner filed an application seeking his discharge from the said case. The learned Sessions Judge, after hearing the parties, rejected the said application vide order dated 5th February, 2024, which has been impugned in the present petition. It is not in dispute that post the rejection of the applicant's discharge application, the learned Judge was pleased to frame charge as against the petitioner and other co-accused in the said case. It is also not in dispute, that till date, about five witnesses have been examined by the prosecution, and that there are about 15 more witnesses to be examined.



8. First and foremost, a discharge order cannot be challenged under Section 528 of the BNSS. The proper remedy was to file a Revision Application. Be that as it may, quashing cannot be permitted, on the premise that the trial is causing great hardship and mental harassment to the petitioner as the trial is not likely to conclude soon. As noted aforesaid, the trial has already commenced and five witnesses have been examined till date.

9. Considering the aforesaid, the petition is dismissed.

10. Needless to state that the trial court to conduct the case on its own merits, uninfluenced by the dismissal of the petition. Since the case is of 2018, the trial is expedited.

11. The petition is accordingly disposed of.

(Revati Mohite Dere)
Chief Justice

Meghalaya
11.02.2026
"Lam DR-PS"