

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. M.C. No.104 of 2025 in
Crl. Petn. No.64 of 2025

Date of Order: 16.09.2025

Shri. Abhinab Sharma. Vs. Smti. Bellina M. Marak.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M. L. Nongpiur, Adv.

For the Respondent(s) : None.

ORAL:-

Heard Mr. M. L. Nongpiur, learned Counsel appearing for the applicant.

By this application, the applicant has made a prayer to stay the operation of the impugned orders dated 30-07-2025 and 03-09-2025 passed by the learned Magistrate First Class, West Garo Hills District, Tura in C. R. Case No. 32 of 2024 under Section 144 BNSS.

The learned Counsel for the petitioner submits that though a notice dated 03-06-2025 in Misc. Case No. T/2/2024 was issued to the petitioner prior to the passing of the impugned orders, the same did not show any date of hearing of the matter. The learned Counsel contends that it was improper for the Trial Court to pass the impugned orders without letting the petitioner to know about the date of hearing for consideration of the prayer

for interim maintenance by the respondent. The learned Counsel further contends that though the Trial Court by subsequent order granted liberty to the petitioner to file a show-cause, but the same has been made subject to the compliance of the *interim orders* passed in the matter. The learned Counsel, therefore, submits that the manner adopted by the Trial Court is wholly illegal and unknown to the procedure laid down by law and prays that the impugned orders may be stayed.

Upon hearing the learned Counsel for the petitioner and perusal of the material on record, it transpires that though the notice dated 03-06-2025 was issued to the petitioner prior to the passing of the impugned orders, the same did not mention about the date of hearing of the matter as the line/column showing the next date of hearing has been kept blank. Further, a perusal of the order dated 03-09-2025 shows that the filing of show-cause by the petitioner has been made subject to the compliance of the *interim order*. Therefore, *prima facie*, it appears that the submission made by the learned Counsel for the petitioner has some force. Hence, the operation of the impugned orders dated 30-07-2025 and 03-09-2025 passed in C. R. Case No. 32 of 2024 shall remain suspended till the next date.

List this matter along with the main criminal petition for objection by the respondent.

Judge

Meghalaya
16.09.2025
"Biswarup PS"