

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Rev.P. No.12 of 2025

Date of Order: 24.11.2025

Shri. Jasperly Syiemlieh

Vs.

The State of Meghalaya

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. B. Deb, Adv

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E. R. Chyne, GA

Heard Mr. B. Deb, learned counsel appearing for the petitioner.

Issue notice returnable in 3 (three) weeks.

Mr. N.D. Chullai, learned AAG along with Mr. E.R. Chyne, learned GA appears for the respondent and hence, no further notice is called for.

Heard the learned counsels on the interim prayer.

One of the grounds raised in this petition is with regard to non-compliance of Section 193 CrPC which mandates that no Court of Session shall take cognizance of any offence as a Court of original jurisdiction unless the case has been committed to it by a magistrate under the Code. The learned counsel for the petitioner has pointed out that since after the submission of the charge-sheet, the matter was

endorsed by one Court of Additional District Magistrate to another Court of Additional District Magistrate vide order dated 17.04.2015 without passing any formal order of committal. It is further contended that the said endorsement order was not passed by any court exercising jurisdiction of Court of Magistrate. He submits that since taking of cognizance in the matter was not in accordance with law, the entire trial stands vitiated. He, thus, prays that further proceeding of the Sessions Case No.46 of 2020 U/s 376/366(A)/342/109 IPC now pending before the Court of Sessions Judge, Mawkyrwat be stayed pending final disposal of this matter.

Mr. N.D. Chullai, learned AAG on the other hand, submitted that the order dated 17.04.2015 was passed by the Additional District Magistrate in exercise of power under the Khasi Syiemship Order, 1950 and as such, he was not bound by the Criminal Procedure Code, 1973. He therefore, submits that even if there is a violation of Section 193 CrPC, the entire trial cannot stand vitiated.

Since the question raised pertains to exercise of jurisdiction by the Court of sessions, the matter requires elaborate adjudication. Hence, it is deemed appropriate to suspend the further proceeding of the Sessions Case No.46 of 2020 U/s 376/366(A)/342/109 IPC till the returnable date.

List after 3 (three) weeks.

Judge

Meghalaya
24.11.2025
"Shrity,PS"