



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 16 of 2018

Date of order: 19.09.2018

Shri Brenarzee B. Sangma & Anr. Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. R. Kar, Adv.

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

Oral:-

1. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners (accused) with a prayer to direct the investigating agency to file a joint final report under Section 173 Cr.P.C. so that all the cases are jointly tried by the Court of competent jurisdiction, further prayed for setting aside the order dated 08.08.2018 passed by the Additional District Magistrate, South Garo Hills, Baghmara in terms whereof, search and seizure regarding the suspected trucks has been allowed.

2. Four cases have been registered: (1) Umsning P.S. Case No. 111 (5) 2015 under Section 392 IPC, (2) Williamnagar P.S. Case No. 69 (6) 2015 under Section 120B/465/468/379/34 IPC, (3) Nongalbibra P.S. Case No. 16(8) 2015 under Section 406/420/384/323/34 IPC and (4) Nongalbibra P.S. Case No. 17(8) 2015 under Section 467/34 IPC.

3. From the respective pleadings what emerges is that in connection with Nongalbibra P.S. Case No. 16 (8) 2015, the allegation is that four vehicles (trucks) bearing registration Nos. (a) AS18A/4094, (b) AS18A/1171, (c) AS18 C/0637 and (d) AS25B/7432 have been taken and transferred in the name of petitioner No. 2 after forging the Complainant's



signature. According to the learned counsel for the petitioners out of these four vehicles, the petitioners are concerned with two vehicles bearing registration Nos. AS18A/4094 and AS18A/1171. The vehicle bearing registration No. AS18(A)/4090 is stated to have been released in favour of petitioner No. 1 whereas, regarding another vehicle bearing registration No. AS18A/1171 so far no motion has been laid for release thereof. Regarding the other two vehicles, the petitioners have got no connection. In another case i.e., Nongalbibra P.S. Case No. 17(08) 2015, it is alleged that the four vehicles were transferred by Shri Dilip Kumar Choudhury petitioner No. 2 by forging the Complainant's signature, this case off shoot of Case No. 16(08) 2015.

4. In Williamnagar P.S. Case No. 69(6) 2015, three vehicles (trucks) bearing No. ML07-B-1411, ML07-B-2012 and ML07-B-1475 were alleged stolen by petitioner No. 2 Shri Dilip Kumar Choudhury. One truck bearing registration No. WB73 E 11-09 has been seized. According to the learned counsel for the petitioners, the petitioners have no connection or interest regarding these three vehicles. In Case No. Williamnagar No. 69(6) 2015, is linked with the aforesaid cases.

5. The contention of the learned counsel for the petitioners is that in case investigation results in filing charge sheet, then there has to be a joint charge sheet so that all the cases are tried together, supporting his contention has referred to various provisions under Chapter XIII of the Code of Criminal Procedure (Cr.P.C.), then also referred to Section 219 and 220 of the same Code. Section 219 provides for charging three offences of the same kind, if committed within a year, together whereas, Section 220 provides for joint trial.

6. The petition on the face of it appears to be pre-mature. It is the duty of the investigating agency that on completion of the investigation to file final report in terms of Section 173 Cr.P.C. in strict adherence to the various provisions of the Code of Criminal Procedure which include the provision as referred to above. Joint trial can be considered after completion



of the investigation. In case of non-adherence the cause will accrue to the petitioner to invoke the discretionary jurisdiction of this Court under Section 482 Cr.P.C. or under another supervisory jurisdiction under Section 483 Cr.P.C.

7. Learned Additional PP Mr. S. Sengupta would submit that the respondents (police authorities) will strictly follow the procedure as prescribed during the course of investigation and will file the final report under Section 173 Cr.P.C. and thereafter, it is for the Court of competent jurisdiction to adhere to the procedure prescribed for joint trial of the cases.

8. At this stage, it is not proper to opine that the respondents will not adhere to the procedure as prescribed in the Code of Criminal Procedure, therefore, this is not a fit case where under Section 482 Cr.P.C. power is exercisable. Suffice it to say that the authorities concerned will strictly adhere to the procedure as prescribed in the Code of Criminal Procedure. Regarding seizure of the petitioners' vehicles and release thereto it shall be open to the petitioners to invoke the jurisdiction of the Court of competent jurisdiction.

9. Petition accordingly disposed of.

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
19.09.2018
"Sylvana PS"