Serial No. 09
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No. 77 of 2026

Date of Decision: 06.05.2026

Shri. Elbi Kharkongor
Son of Shri. Salen Warjri,
R/o Nongkseh Umpynhar, Mairang,
West Khasi Hills District, Meghalaya.
Presently serving sentence in
District Prisons & Correctional Services,
Shillong

…….. **Applicant/Petitioner**

-Vs-

State of Meghalaya
(Through the Public Prosecutor)

…… **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. R.H. Alice, Legal Aid Counsel.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP.
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 AND ORDER (ORAL)

1. Heard Mr. R.H. Alice, learned Legal Aid Counsel for the applicant, who has submitted that the applicant has preferred an appeal before this Court against the impugned judgment and related order of sentence dated 27.02.2020 passed by the Court of the learned Special Judge (POCSO), West Khasi Hills District, Nongstoin in Special (POCSO) Case No. 23 of 2018, whereby he was convicted to undergo rigorous imprisonment for a period of 20(twenty) years with fine of ₹ 10,000/- (Rupees ten thousand) only, for an offence punishable under Section 6 of the POCSO Act and also for the offence under Section 506 II IPC. In default of payment of fine, to undergo simple imprisonment of 2(two) months.

2. However, while preferring an appeal, a delay of 2192 days has occurred, due to circumstances which is beyond the control of the applicant, since he belongs to a poor family and has no means to engage a private counsel, as such, he could not prefer an appeal within the statutory period. Thereafter, legal aid was sought for, and accordingly, this application was processed through Legal Aid Counsel. It is therefore prayed that the delay be condoned and the appeal be admitted.

3. Mr. H. Kharmih, 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 2192 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

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