High Court of Meghalaya

Shri. Denis Mukhim vs . State Of Meghalaya & 2 Ors. on 4 March, 2020

Serial No. 01
Supplementary
List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.A. 5 of 2019

Date of Decision: 04.03.2020

Shri. Denis Mukhim Vs. State of Meghalaya & 2 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. C.H. Mawlong, Adv.
Mr. S.R. Lyngdoh, Adv.
Mr. K.S. Kharshiing, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. Sr. PP

Ms. R. Colney, GA.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

1. The accused person Shri. Denis Mukhim was charged with an offence under Sections 376/511 IPC which was taken cognizance of by the learned Sessions Court, Ri-Bhoi District, Nongpoh.

2. On his appearance before the learned Sessions Court, charges were framed against him under Sections 376/511 IPC on 12.09.2016 to which he pleaded not guilty and claimed to be tried.

3. The case then proceeded for trial with the prosecution examining (4) four witnesses and on completion of the prosecution's evidence, the accused/appellant was examined under Section 313 Cr.P.C and on being offered, he stated that he would like to adduce evidence from his side. However, from the records, it is seen that the learned defence counsel has declined to adduce evidence on behalf of the accused and the learned Sessions Judge vide order dated 03.12.2018 has closed the evidence of the defence, after which the matter proceeded for argument of the parties.

4. A look at the background of this case would show that on 07.12.2015 at about 5:00 PM one person known to the victim as Bahduh Mukhim attempted to rape her when she was on her way home from Sonidan. The incident took place on the road side of Sonidan when Bahduh pulled the victim's hand

and pinned her on the ground and let her go after she raised a hue and cry. The accused/appellant asked her not to disclose the incident to anyone.

5. The FIR filed by the victim herself on 08.12.2015 addressed to the O/C Umsning Police Outpost was duly registered and investigated into by WPSI E. Khardewsaw who after the investigation is over, has come to the conclusion that a prima facie case under Sections 376/511 was found well established against the accused person Shri Denis Mukhim and as stated above, he was produced before the learned Sessions Court for trial.

6. The learned Sessions Judge then examined 4(four witnesses), including the victim as PW-1, the Doctor as PW-3 and the Investigating Officer as P.W-4. The FIR and the Medical Report were also exhibited on being produced before the Court.

7. The learned Sessions Judge upon hearing the learned Addl. PP as well as the learned counsel for the accused/appellant has vide judgment and order dated 29.03.2019 convicted the accused under Sections 376/511 IPC and has also sentenced the accused/appellant Denis Mukhim to undergo rigorous imprisonment for three years and six months and to pay a fine of 10,000/- (Rupees ten thousand) only and in default of payment of fine, to undergo another six months' rigorous imprisonment. The accused/appellant was forthwith remanded to custody and is presently lodged in the District Jail.

8. Being highly aggrieved and dissatisfied with the impugned judgment and order dated 29.03.2019 the accused/appellant has approached this Court by way of this instant appeal with a prayer to set aside and quash the impugned judgment and order.

9. The learned counsel for the appellant Mr. K.S. Kharshiing has submitted that the appellant will file a written argument in this case to support the contention that no case is made out against the appellant/accused person.

10. In this regard, the written submission of the appellant reveals that only two points were raised in support of his case, the first being that there is no evidence to show that the appellant/accused person has attempted to rape the prosecutrix on 07.12.2015 as alleged and secondly, that the medical report would show that no case is made out against the accused/appellant.

11. It was pointed out that the prosecutrix in her statement under section 164 Cr.P.C. as well as in her deposition before the Court as PW-1 did not state that she was raped nor did she deposed that the accused attempted to rape her or even touched her in an inappropriate manner to attract the allegation of attempt to rape or to outrage her modesty.

12. As to the evidence of the Doctor, who had medically examined the victim and has deposed as PW-3, the learned counsel for the appellant has submitted that in the cross-examination, he has stated that "It is a fact that in my examination I did not find any injury on the body of the victim......" In the medical report, it is also reflected that ".....No external injuries noted on her person and all over her body".

13. To support his case by authorities, the learned counsel for the appellant has cited the following case laws:

> i) Narendra kumar v. State (NCT of Delhi): (2012) 7 SCC 171 at paragraphs 22, 29 and 30.
>
> ii) Shahid Khan v. State of Rajasthan: (2016) 4 SCC 96 at paragraphs 1 to 21.
>
> iii) Kanakaranjan alias Kanaka v. State of Kerela: (2017) 13 SCC 597 at paragraphs 4 to 24.
>
> iv) Bhag Singh and others v. State of Punjab: (2018) 14 SCC 221 at paragraphs 5 to 10.
>
> v) Shankar v. State of Madhya Pradesh: (2018) 15 SCC 725 at paragraphs 8 to 20.
>
> vi) Mohammed Zakir v. Shabana and others: (2018) 15 SCC 316 at paragraph 3.

14. The prayer of the learned counsel for the appellant is that he be acquitted from all liabilities and be set at liberty.

15. The State respondent has also filed its written argument through Mr. S. Sengupta, learned Addl. Sr. P.P stating that the case emanated from the FIR lodged by the complainant/victim who has reported that on 07.12.2015 at around 5.00 pm when she was returning from Sonidan to go to her own village at Jair, in the Ri-Bhoi District when the accused/appellant herein attempted to rape her. This happened on the road side but she managed to escape after raising a hue and cry after which the accused released her. He also threatens her not to tell anyone about what happened.

16. The learned Addl. Sr. PP has then referred to the deposition of the victim/prosecutrix as well as the evidence of the Doctor/PW-3 and the Investigating Officer/PW-4 and has submitted that in this case the Trial Court has rightly found the accused/appellant guilty and has punished him in this regard.

17. To support his case, the learned Addl. Sr. PP has cited the case of Dokka Bhushaiah v. State of A.P: 2007 CRI. L.J. 1499 at paragraph 18 of the same. Reference was also made to the case of Koppula Venkat Rao v. State of AP: (2004) 3 SCC 602 where the Hon'ble Supreme Court has clearly spelt out the instance of 'attempt to commit rape' at paragraphs 10, 11, 12 & 13 of the same.

18. It is finally submitted that the impugned judgment does not suffer from any legal infirmity whatsoever and does not call for interference by this Hon'ble Court. The Criminal Appeal is liable to be rejected and dismissed.

19. The learned counsel for the appellant has filed written reply on law points against the written argument filed by the prosecution with reference to the case laws cited by the prosecution and has

submitted that from the preponderance of evidence, it is not proved that there was any preparation on the part of the accused/appellant to commit the alleged offence against the alleged victim.

20. In this regard, it is further submitted that there is no material to indicate that the accused/appellant had any intention or attempted to commit any offence. The accused/appellant did not even touch inappropriately nor made any attempt on any part of the body of the alleged victim to either molest or rape the alleged victim. There was also no resistance on the part of the alleged victim nor did she raised any alarm on her part.

21. Therefore, in view of these facts, it is submitted that the authority relied upon by the learned Addl. Sr. PP is not applicable and relevant to the instant case and, as such, the accused/appellant may be acquitted and be set at liberty, free from all liabilities of the case.

22. On the submission and contention of the rival parties, this Court have given due consideration to the same and on further perusal of the materials on record, the facts and circumstances of the case need not be repeated as the same has been noted above and was also understood from the substance of the argument advanced by the parties.

23. What is to be looked into is whether the judgment and order of the learned Sessions Judge, Ri-Bhoi District is sustainable in law or not to warrant the conviction of the appellant.

24. It may be reminded that while deciding an appeal, the High Court has the same concurrent power to appreciate the evidence on record and by extension, to come to a conclusion whether to agree with the finding of the Trial Court or to come to another view point which may be contrary to the original verdict.

25. At this juncture, it would be prudent to take a look at the FIR lodged by the victim/complainant which was exhibited as Ext. 2 in her deposition before the Trial Court. Ext. 2 is the FIR in Khasi language. A translated copy of the same is found on record being duly acknowledged by the Judicial Magistrate First Class on 09.12.2015.

26. In the said FIR, the victim/complainant has stated that she would like to file an FIR against Shri Bahduh Mukhim (Appellant) who had attempted to rape her on 07.12.2015 around 5.00 PM when she was returning from Sonidan to go to her own village at Jair. The incident happened on the road side and the victim managed to escape after raising hue and cry to which the appellant release her after threatening her not to tell anyone about what happen.

27. In her evidence the victim/complainant has deposed that on the date of the occurrence while on her way back from Iew Mawhati, she met the appellant who was driving a Maruti vehicle and on stopping, he asked her where she came from, to which the victim/complainant answered that she came from Mawhati. The accused then offered to drop her home and he went along with her on foot. While they were walking, the appellant started nudging her and on her protest that they belong to the same family clan, he replied in the negative and grabbed her on her shoulder and put her to the ground. The victim/complainant struggled and pushed him away to which he acknowledged and

released her. Thereafter, he offered to drop her again and told her that he was just testing her because a lot of girls from the village think that he was a rapist. Thereafter, he told her not to inform to anybody about what happened and the victim proceeded home.

28. The evidence of Dr. Khrawbor Khongsdam who had examined the victim/complainant on 08.12.2015 after which a report was prepared has exhibited the said report as Ext. 3 in his deposition as PW-3.

29. In the said report, the doctor has noted down the brief history of the case as narrated by the victim/complainant and has given his medical opinion as follows:

"I have examined the above said person and found that she did not sustained any injuries on her person".

30. As noted above, the learned defence counsel has argued that from the facts and circumstances of this case, the prosecution has not been able to prove the case beyond reasonable doubt and cannot take support from the weakness of the case of the defence. All the authorities cited by the learned counsel more or less speaks about this.

31. The learned Addl. Sr. PP on the other hand has strongly relied on the case of Koppula Venkat Rao (supra) and has submitted that as discussed in the said case, the conviction of the accused/appellant does not call for any interference by this Court and this appeal is liable to be rejected and dismissed.

32. In Koppula Venkat Rao's case, the story is that the victim girl was on her way along with her friends for witnessing a movie when the accused along with his friends met them and accompanied them to the movie hall. At the time of return, the accused nourish an idea of quenching his lust by committing sexual intercourse with the victim, invited her to board his bicycle and the victim girl agreed to accompany him and sat on his bicycle. The accused then stopped the bicycle near cattle shed, dragged the victim by using criminal force into the cattle shed, took out her saree and got on top of her, but before actual intercourse, ejaculated. The accused left the victim on hearing some sound and went away along with his bicycle.

33. At paragraphs 8, 10 and 11 of the said judgment referred above, the Hon'ble Supreme Court has held that:

> "8. The plea relating to applicability of Section 376 read with Section 511 IPC needs careful consideration. In every crime, there is first, intention to commit, secondly, preparation to commit it, thirdly, attempt to commit it. If the third stage, that is, attempt is successful, then the crime is complete. If the attempt fails the crime is not complete, but law punishes the person attempting the Act. Section 511 is a general provision dealing with attempts to commit offences not made punishable by other specific sections. It makes punishable all attempts to commit offences punishable with imprisonment and not only those punishable with death. An attempt is made

> punishable, because every attempt, although it falls short of success, must create alarm, which by itself is an injury, and the moral guilt of the offender is the same as if he had succeeded. Moral guilt must be united to injury in order to justify punishment. As the injury is not as great as if the act had been committed, only half the punishment is awarded."
>
> 10. An attempt to commit an offence is an act, or a series of acts, which leads inevitably to the commission of the offence, unless something, which the doer of the act neither foresaw nor intended, happens to prevent this. An attempt may be described to be an act done in part-execution of a criminal design, amounting to more than mere preparation, but falling short of actual consummation, and, possessing, except for failure to consummate, all the elements of the substantive crime. In other words, an attempt consists in it the intent to commit a crime, falling short of, its actual commission or consummation/completion. It may consequently be defined as that which if not prevented would have resulted in the full consummation of the act attempted. The illustrations given in Section 511 clearly show the legislative intention to make a difference between the cases of a mere preparation and an attempt".
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> 11. In order to find an accused guilty of an attempt with intent to commit a rape, court has to be satisfied that the accused, when he laid hold of the prosecutrix, not only desired to gratify his passions upon her person, but that he intended to do so at all events, and notwithstanding any resistance on her part. Indecent assaults are often magnified into attempts at rape. In order to come to a conclusion that the conduct of the accused was indicative of a determination to gratify his passion at all events, and in spite of all resistance, materials must exist. Surrounding circumstances many times throw beacon light on that aspect."

34. On appreciation of the evidence and materials on record, as far as the applicability of Section 376 read with Section 511 IPC, the ingredients that are to be seen existing in an allegation of attempt to rape is that there must be firstly an intention to commit, then preparation to commit it and thirdly, to commit it.

35. In the given facts and circumstances of the case, what can be understood is that the appellant met the victim by chance and offered to drop her to her village. Even if it is assumed that he has intention to commit the crime, there is no material to prove that he has made preparation for the same and as to the third ingredient that is, attempt to commit it, the evidence on record shows that he pushed the victim to the ground from her shoulder and after the victim struggled and pushed him away, he released her.

36. As distinguished from the facts of the case in Koppula Venkat Rao, the appellant herein did not attempt to disrobe the victim and there is no indication that he tried to rape her and in the attempt, failed to do so after she raised a hue and cry.

37. In my considered opinion, I find that the learned Trial Court has failed to consider this aspect of the matter and has relied solely on the evidence of the victim which was not corroborated by sufficient supporting evidence, including the medical report, and as such no case is made out against the appellant under Section 376 read with Section 511 IPC as the same was not proved beyond reasonable doubt.

38. However, on the facts and circumstances of the case, what can be seen is that the case under Section 354 IPC is made out against the appellant/accused.

39. In an instance of almost similar facts and circumstances, in the case of Tarkeshwar Sahu v. State of Bihar (Now Jharkhand): (2006) 8 SCC 560, the Hon'ble Supreme has laid down the law sufficiently to allow this Court to come to the findings as observed above. Some of the relevant paragraphs of the same are reproduced herein below to bring clarity to the issue.

> "9. Now, the moot question which squarely falls for our consideration pertains to the correct and appropriate sections of the Penal Code under which the appellant is required to be convicted according to the offence he had committed. The trial court and the High Court had convicted the appellant under Sections 376/511 IPC. In order to arrive at the correct conclusion, we deem it appropriate to examine the basic ingredients of section 375 IPC punishable under Section 376 IPC to demonstrate whether the conviction of the appellant under Sections 376/511 IPC is sustainable.
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> "375. Rape.--A man is said to commit 'rape' who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-
>
> First. - Against her will. Secondly. - Without her consent.
>
> Thirdly. - With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.
>
> Fourthly. - With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
>
> Fifthly. - With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
>
> Sixthly. - With or without her consent, when she is under sixteen years of age.
>
> Explanation.--Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Exception.--Sexual intercourse by a man with his own wife, the

wife not being under fifteen years of age, is not rape."

10. Under Section 375 IPC, six categories indicated above are the basic ingredients of the offence. In the facts and circumstances of this case, the prosecutrix was about 12 years of age, therefore, her consent was irrelevant. The appellant had forcibly taken her to his gumti with the intention of committing sexual intercourse with her. The important ingredient of the offence under Section 375 punishable under Section 376 IPC is penetration which is altogether missing in the instant case. No offence under Section 376 IPC can be made out unless there was penetration to some extent. In the absence of penetration to any extent, it would not bring the offence of the appellant within the four corners of Section 375 of the Penal Code. Therefore, the basic ingredients for proving a charge of rape are the accomplishment of the act with force. The other important ingredient is penetration of the male organ within the labia majora or the vulva or pudenda with or without any emission of semen or even an attempt at penetration into the private part of the victim completely, partially or slightly would be enough for the purpose of Sections 375 and 376 IPC. This Court had an occasion to deal with the basic ingredients of this offence in the case of State of U.P. v. Babul Nath (1994) 6 SCC 29: 1994 SCC (Cri) 1585. In this case, this Court dealt with the basic ingredients of the offence under Section 375 in the following words: - (SCC p. 34, para 8) "8. It may here be noticed that Section 375 of the IPC defines rape and the Explanation to Section 375 reads as follows:

'Explanation: - Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape."

From the Explanation reproduced above it is distinctly clear that ingredients which are essential for proving a charge of rape are the accomplishment of the act with force and resistance. To constitute the offence of rape neither Section 375 IPC nor the Explanation attached thereto require that there should necessarily be complete penetration of the penis into the private part of the victim/prosecutrix. In other words to constitute the offence of rape it is not at all necessary that there should be complete penetration of the male organ with emission of semen and rupture of hymen. Even partial or slightest penetration of the male organ within the labia majora or the vulva or pudenda with or without any emission of semen or even an attempt at penetration into the private part of the victim would be quite enough for the purpose of Sections 375 and 376 IPC. That being so it is quite possible to commit legally the offence of rape even without causing any injury to the genitals or leaving any seminal stains. But in the present case before us as noticed above there is more than enough evidence positively showing that there was sexual activity on the victim and she was subjected to sexual assault without which she would not have sustained injuries of the nature found on her private part by the doctor who examined her."

14. Position of law in England is the same. To constitute the offence of rape, there must be a penetration, R. v. Hill, (1781) 1 East PC 439. Even the slightest penetration will be sufficient. Where a penetration was proved, but not of such a depth as to injure the hymen, still it was held to be sufficient to constitute the crime of rape. This principle has been laid down in R v. M' Rue, (1838) 8 C&P 641: 173 ER 653 and R v. Allen, (1839) 9 C&P 31: 173 ER 727. In R v. Hughes, (1841) 2 Mood 190: 169 ER 75 and R v. Lines, (1844) 1 C&K 393: 174 ER 861, the Court has taken the view that "proof of the rupture of the hymen is unnecessary". In R v. Marsden, (1891) 2 QB 149, the Court has

laid down that "it is now unnecessary to prove actual emission of seed; sexual intercourse is deemed complete upon proof of penetration only".

21. In view of the catena of judgments of Indian and English Courts, it is abundantly clear that slight degree of penetration of the penis in vagina is sufficient to hold accused guilty for the offence under Section 375 IPC punishable under Section 376 IPC.

22. In the backdrop of settled legal position, when we examine the instant case, the conclusion becomes irresistible that the conviction of the appellant under Sections 376/511 IPC is wholly unsustainable. What to talk about the penetration, there has not been any attempt of penetration to the slightest degree. The appellant had neither undressed himself nor even asked the prosecutrix to undress so there was no question of penetration. In the absence of any attempt to penetrate, the conviction under Sections 376/511 IPC is wholly illegal and unsustainable.

23. In the instant case, the accused has been charged with Sections 376/511 IPC only. In the absence of charge under any other section, the question now arises - whether the accused should be acquitted; or whether he should be convicted for committing any other offence pertaining to forcibly outraging the modesty of a girl. In a situation like this, we would like to invoke Section 222 of the Code of Criminal Procedure, which provides that in a case where the accused is charged with a major offence and the said charge is not proved, the accused may be convicted of the minor offence, though he was not charged with it. Section 222 Cr.P.C. reads as under:-

"222. When offence proved included in offence charged. - (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it. (3) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.

(4) Nothing in this section shall be deemed to authorise a conviction of any minor offence where the conditions requisite for the initiation of proceedings in respect of that minor offence have not been satisfied."

24. In this section, two illustrations have been given which would amply describe that when an accused is charged with major offence and the ingredients of the major offence are missing and ingredients of minor offence are made out then he may be convicted for the minor offence even though he was not charged with it. Both the illustrations given in the said section read as under:

> "(a) A is charged under section 407 of the Penal Code (45 of 1860) with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 of that Code in respect of the

> property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under the said section 406.
>
> (b) A is charged, under section 325 of the Penal Code (45 of 1860), with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code."

36. In view of the foregoing facts and circumstances of the case, we are of the opinion that the crime committed by the accused was at the initial stage of preparation. The offence committed does not come within the purview of offence punishable under Sections 376/511 IPC. The offence committed squarely covers the ingredients of Sections 366 and 354 IPC. The appellant was charged under Sections 376/511 IPC but on invoking the provisions of Section 222 of the Code of Criminal Procedure, the accused charged with major offence can always be convicted for the minor offence, if necessary ingredients of minor offence are present.

37. On the basis of evidence and documents on record, in our considered view, the appellant is also guilty under Section 354 IPC because all the ingredients of Section 354 IPC are present in the instant case.

38. Section 354 IPC reads as under:

"354. Assault or criminal force to woman with intent to outrage her modesty.- Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

39. So far as the offence under Section 354 IPC is concerned, intention to outrage the modesty of the women or knowledge that the act of the accused would result in outraging her modesty is the gravamen of the offence.

40. The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. Modesty is an attribute associated with female human beings as a class. It is a virtue which attaches to a female owing to her sex.

49. The High Court of Delhi in Jai Chand v. State, 1996 Cri LJ 2039 (Del) observed as under:

"The accused in another case had forcibly laid the prosecutrix on the bed and broken her pyjama's string but made no attempt to undress himself and when prosecutrix pushed him away, he did make no efforts to grab her again. It was held that it was not attempt to rape but only outraging of the modesty of a woman and conviction under Section 354 was proper."

50. In Raja v. State of Rajasthan, 1998 Cri LJ 1608 (Raj) it was stated as under:

"The accused took the minor to solitary place but could not commit rape. The conviction of accused was altered from Sections 376/511 to one under Section 354."

52. The Court in Nuna v. Emperor, 15 IC 309: (1912) 13 Cri LJ 469 stated as follows:

"The accused took off a girl's clothes, threw her on the ground and then sat down beside her. He said nothing to her nor did he do anything more. It is held that the accused committed an offence under Section 354 IPC and was not guilty of an attempt to commit rape."

53. The Court in Bisheshwar Murmu v. State of Bihar, 2004 Cri LJ 326 (Jhar) stated as under:

"The evidence showed that accused caught hold of the hand of the informant/victim and when one of the prosecution witnesses came there hearing alarm of the victim, offence under Sections 376/511 was not made out and conviction was converted into one under Section 354 for outraging modesty of victim."

40. In view of the above, this Court hereby held that the conviction of the accused/appellant under Sections 376/511 IPC is not sustainable and he is accordingly acquitted of the charges thereon.

41. However, in view of the findings and observations made above and the reliance placed on the case of Tarksehwar Sahu (supra), this Court taking recourse to Section 222 Cr.P.C hereby charged the accused/appellant under Section 354 IPC (as amended) as he is found to have committed the offence so charged, and is therefore convicted and sentenced to undergo rigorous imprisonment of one year with fine of 5000/- (Rupees five thousand) only and in default thereof to undergo another six months' rigorous imprisonment.

42. The accused/appellant will serve out the sentence which will be set off with the period of conviction already undergone.

43. Registry is directed to send a copy of this judgment and order along with the relevant case record to the Court of Sessions Judge, Ri-Bhoi District, Nongpoh and also a copy of the said judgment and order to be issued upon the Superintendent District Jail, Ri-Bhoi District, Nongpoh for compliance.

44. Appeal disposed of. No cost.

Judge Meghalaya 04.03.2020 "D. Nary, PS"