

(2026) 08 MEG CK 1438
In the Meghalaya High Court
Case No : Crl.A. No. 49 of 2024

Ram Dhar

APPELLANT

Vs

The State Of Meghalaya

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

IPC — Section 302
Cr.P.C. — Section 357A, 313
Section 27

Citation : (2026) 08 MEG CK 1438

Hon'ble Judges : W. Diengdoh, J;Revati Mohite Dere, C.J

Bench : Division Bench

Advocate : Mr J. Shylla, Adv., Mr M.L. Nongpiur, Adv., Mr N.D. Chullai, AAG, Mr E.R. Chyne, GA

Final Decision : Dismissed

Judgement

By this appeal, the appellant has impugned the judgment dated 14.05.2024 and order dated 15.05.2024 respectively, passed by the learned Sessions Judge, West Jaintia Hills District, Jowai in Sessions Case No. 76 of 2015, convicting and sentencing him as under; – for the offence punishable under Section 302 of the IPC to suffer rigorous imprisonment for life and to pay fine of ₹ 5000/-.

2. In addition, the learned Sessions Judge recommended compensation of ₹ 3 lakh under Section 357A of Cr.P.C. to the parents of the deceased – Trebor Hinge, to be given by the Secretary, District Legal Services Authority, West Jaintia Hills District.

3. The prosecution case in brief is as under;

According to the prosecution, the incident took place on 11.02.2015 at around 1.30 p.m. The FIR was lodged by Shri Kynjai Hinge, younger brother of the deceased, Trebor Hinge. It is alleged by Shri Kynjai Hinge (PW1) that his elder brother – Trebor Hinge was murdered by the appellant in the village. The said

FIR was lodged pursuant to the information received by PW2 - Smti. Nika Thubru, an eyewitness to the incident. Pursuant to the registration of the FIR, the Police commenced with the investigation, recorded statements of witnesses, performed an inquest panchnama, sent the body for post mortem examination and on conclusion of the investigation, filed a charge-sheet as against the appellant for the offence punishable under Section 302 of the IPC, in the Court of the learned Magistrate. Since, the offence alleged was triable by the Court of Sessions, the case came to be committed to the Court of Sessions, for trial.

4. The learned Sessions Judge framed charge against the appellant on 10.12.2025, to which the appellant pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case, examined six witnesses; PW1 – Shri. Kynjai Hinge (Younger brother of the deceased) PW2 – Smti. Nika Thubru (Neighbour of both the deceased and accused) PW3 – Dr. E. Challam, Senior Medical & Health Officer. PW4 – Shri Filing up Roy Thubru (Secretary of VDP, Nangbah Village) PW5 – Smti. Damonphika Shadap (Retd. Scientific Assistant) PW6 – Shri Terence J. Synrem, Investigating Officer

6. After examination of the prosecution witnesses, the learned Judge examined the appellant under Section 313 Cr.P.C. The appellant did not examine any defence witness.

7. After hearing the learned counsel for the respective parties, the trial court convicted and sentenced the appellant as stated aforesaid in paragraph 1.

8. The fact that the appellant died a homicidal death is not seriously disputed by the learned counsel for the appellant. From the evidence of PW3, Dr. Challam, it appears that the deceased had sustained the following injuries i.e., incised wound on the medial side of the upper thigh size 1½" x 1"; laceration on the left scapular region 1½" x 1"; incised wound over right gluteal region 3½" x .75"; injuries of gluteus muscle; injury of the inferior gluteal nerve and the inferior gluteal artery; incised wound on the left cheek 4"x3"; incised wound on the right 3rd intercostal space 2½ x .5; incised wound on the left 5th intercostal space 2½" x ½", and fracture of the right 3rd rib. The cause of death is stated to be shock and haemorrhage as a result of multiple injuries caused by hard sharp object. The only question that arises for consideration is whether the prosecution has proved beyond reasonable doubt that the appellant is the author of the said injuries.

9. In this context, it would be necessary to advert to the evidence as has come on record.

10. PW1 - Kynjai Hinge (first informant and brother of the deceased) has deposed that the deceased was his elder brother. He has further deposed that when he had gone to the paddy field to work at 8 a.m., he received a call from his sister, Smti. Marchynna Hinge informing him to reach home immediately as their brother had been killed; that pursuant thereto, he rushed home and found

that their relatives had reached their house; that they went to see the dead body of their brother (Trebor Hinge) that was lying near the garden of Smt. Rika Thubru(PW2); that he saw his brother had sustained cut injuries all over his face; and that he saw the accused person carrying a knife in his hand roaming in the village; and that pursuant thereto, the police came and took the appellant and that he lodged an FIR as against the appellant.

11. In his cross-examination, PW1 has admitted that his deceased brother had not created any problems in the village nor had any fights or quarrels with anyone; and that the appellant was arrested from his house in the evening. It has also come in the cross-examination of PW2, that it was during the day time that he had seen the appellant roaming in the village with a knife in his hand, however, had not informed the VDP or the headman about the accused carrying a knife.

12. PW2 - Smti. Nika Thubru, is an eyewitness to the alleged incident of assault by the appellant on the deceased. PW2 in her examination-in-chief has deposed that on the day of the incident, she was washing clothes at around 12 noon; that after washing clothes, her friend, Lika Hadia came and sat with her; that around 12.30 p.m., the deceased (Trebor Hinge) came to her house and they started chatting with them; that the deceased (Trebor Hinge) wanted to buy piglets from her but they were not mature for sale and hence, the deceased went to the pigsty to look at the piglets; that since it was a hot day, the deceased sat down and went to sleep near the pigsty; that at that time, the appellant came and went straight to where the deceased was sleeping and woke him up, saying that they should chat and as such, both started chatting and she continued to do her household work; that she did not hear their talks but she saw them chasing each other and hence, went to see what was happening; that she saw the appellant chasing the deceased and hence, called out to the appellant, telling him not to injure the deceased; that the appellant was carrying a Tukri and chasing the deceased, who was running in the garden; that finally the appellant held the deceased and stabbed him; that on seeing the same, she screamed and called out for help but none helped and were only watching; that she ran towards the crowd which was standing; and that she was scared and frightened; that she went to the house of the deceased to inform his relatives to check if the deceased was alive so as to take him to the hospital; that pursuant thereto, the relatives of the deceased gathered and thereafter, they went to the Police Station. According to PW2 -Smti. Nika Thubru at around 2 p.m. the Police came to the spot and removed the dead body from the spot.

13. In the cross examination, PW2 has admitted that she had no inimical relations with the family of the appellant as she too was related to the appellant through clanship; that she knew the sister of the appellant; and, has admitted that there was a quarrel between her and the sister of the appellant regarding drinking water and that the appellant's sister had thrown a small stone at her prior to the incident. PW2 has further admitted that she and the appellant's

entire family had stopped talking to each other, however, and the matter was resolved and they had started talking. PW2 has further admitted that she was angry with the sister of the appellant as she was washing utensils in a place where they would get drinking water, however, prior to the incident, the dispute between her and the appellant's family had been resolved. According to PW2, the relatives of the deceased had also come but they did not do anything, as they were frightened; that she saw the appellant stabbing the deceased from the back but could not remember whether the appellant used his left hand or right hand to stab. According to PW2, soon after the stabbing, the appellant ran from the said spot, pursuant to which she called the family members of the deceased.

14. There is nothing in the cross-examination of this witness to disbelieve her testimony. To the contrary, suggestions show that the appellant was present at the spot and that the PW2 saw the appellant stabbing the deceased from the back. There is absolutely no suggestion to the said witness i.e., PW2 that she had not witnessed the incident or that she was falsely implicating the appellant. Infact, the said evidence of PW1 is duly corroborated by the medical evidence. PW3 – Dr. Challam, has in detail described the nature of injuries sustained by the deceased which have been set out in para 8 hereinabove. Thus, the ocular evidence of PW2 clearly corroborates the medical evidence of PW3 and as such, is sufficient to sustain the conviction of the appellant.

15. Although, there is discovery under Section 27 of Tukri at the instance of the appellant and that PW4 was examined to prove the same, it is difficult to place implicit reliance on the said discovery, inasmuch as the Tukri (dagger) was kept at the appellant's uncle house and it is the appellant's uncle who pulled out/produced the Tukri. Needless to state, merely because the discovery evidence of Tukri is not proved by the prosecution, will not in any way impact the prosecution case inasmuch as, the prosecution has proved its case through PW2 – eyewitness, which in turn, is duly corroborated by the medical evidence i.e., evidence of PW3 and the post mortem report.

16. Accordingly, the appeal fails and as such, is dismissed and the impugned judgment and order of conviction and sentence passed by the learned Sessions Judge, West Jaintia Hills District, Jowai in Sessions Case No. 76 of 2015, stands confirmed.

17. The appeal is disposed of.

18. Since, the learned Sessions Judge has recommended compensation of ₹ 3 lakh/- to be given to the parents of the deceased – Trebor Hinge, we direct the Secretary, District Legal Services Authority, West Jaintia Hills District, to submit a report as to whether the said amount has been disbursed to them or not. The said report to be submitted before this Court within four weeks.

19. The Registry to forward forthwith a copy of this judgment and order to the Secretary, District Legal Services Authority, West Jaintia Hills District, to enable the Secretary to submit the report.

20. Place the aforesaid appeal for recording compliance of paragraph 18 on **2nd September, 2026**.