



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.M.C. No.93 of 2026

Date of Order: 03.08.2026

1. Shri. Banshanlang Thongni,
S/o Shri Arbok Lartang,
R/o Laitumsaw Village, P.S. Mawsynram,
East Khasi Hills District, Meghalaya.
 2. Miss. AB (Victim/survivor)
Of Mawsynram PS Case No.21(7) 2019/
Spl (POCSO) Case No.17 of 2020
[pending before the Ld. Special Judge (POCSO) at Shillong]
-Applicants**

-VERSUS-

State of Meghalaya
Represented by the Public Prosecutor.

.....Respondent

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mr. J.N. Rynjah, GA

(ORAL)

Heard Mr. S. Deb, learned counsel appearing for the applicants and also Mr. J.N. Rynjah, learned GA appearing for the State-respondent.

This is an application for restoration of Crl.Petn No.28 of 2024, which was dismissed for non-prosecution on 17.10.2024.



Mr. S. Deb, learned counsel for the applicants, submits that the non-appearance of the counsel for the applicants on the date fixed was not known to the applicants and the fact of dismissal of the criminal petition was not communicated to them. He submits that the applicants were under impression that their appointed counsel will take care of the matter. He submits that it was only in the latter part of November, 2025 the applicants came to know about the dismissal of the criminal petition. However, owing to financial constraints, they could not file the restoration application immediately. He submits that this application was ultimately filed in the month of May, 2026 after the applicants could arrange some money for meeting necessary expenditure. He submits that as it is well settled that a party should not suffer for the fault of his lawyer, and hence, restoration of the criminal petition would be in the interest of justice. By placing reliance on a decision dated 15.08.2015 of the Allahabad High Court in Criminal Misc. Application No. 51760 of 2015, the learned counsel submits that the High Court can restore a criminal case which was dismissed for default in exercise of its jurisdiction u/s 482 CrPC.

Mr. J.N. Rynjah, learned GA appearing for the State-respondent, on the other hand, does not dispute the power of the High Court u/s 482 with regard to restoration of a criminal petition dismissed for default. He, however, submits that the explanation offered by the applicants in the application is not acceptable, as the reason for their earlier non-appearance has not been explained clearly. He further submits that the instant restoration application has been filed after a considerable period of delay without any proper explanation. He, therefore, contends that the application for restoration is devoid of merit and is liable to be rejected.



Upon hearing the learned counsel for the parties and on perusal of the materials on record, it appears that Crl. Petn. No. 28 of 2024 was filed seeking quashing of the proceedings in Special (POCSO) Case No. 17 of 2020 pending before the learned Special Judge (POCSO), Shillong, primarily on the ground that both the applicants herein are now residing together as a family and a child has been born to them out of their relationship.

It further appears from the explanation provided in the application that the applicants were entirely dependent on their counsel and were unaware of the dismissal of the criminal petition. Although there has been a delay in filing the present restoration application, it appears that such delay was caused because the applicants were unaware of the dismissal of the criminal petition. It also appears that, upon coming to know of the dismissal, the applicants took steps to arrange the necessary finances for filing the present application.

Taking into consideration the fact that the criminal petition concerns quashing of a criminal proceeding and that there is no direct evidence of any negligence on the part of the applicants, this Court deems it appropriate to recall the order dated 17.10.2024 passed in Crl.Petn No.28 of 2024.

Accordingly, this restoration application stands allowed. Crl.Petn No.28 of 2024 is hereby restored back to file.

Judge

Meghalaya
03.08.2026
"Shrity,PS"