

Serial No.	Date	Orders (s) with Signature (s)
1	2	3

BEFORE**HON'BLE THE CHIEF JUSTICE
MR. JUSTICE PERMOD KOHLI**

02. 17.08.12 Present: Mr. B.R. Pradhan, Sr. Advocate with Mr. T. R. Barfungpa and Ms. Yangchen D. Gyatso, Advocates for the Petitioners.

Mr. Karma Thinlay Namgyal, Govt. Advocate and Mr. S.K. Chettri, Asstt. Govt. Advocate for the State-respondents No. 1 to 3.

Mr. N.B. Khatiwada, Sr. Advocate with Mrs. Gita Bista and Mr. Deepankar Rai, Advocates for the respondents No. 4 to 6.

...

The grievance raised in this petition is primarily in respect to non-implementation of the Order dated 11.04.2012 passed by the District Magistrate, South District Collectorate at Namchi under Section 145 Cr. P.C. upheld by the learned Sessions Judge, South & West Sikkim at Namchi vide Order dated 25.06.2012 in Criminal Revision Case No. 03/2012 and by this Court vide its Order dated 02.07.2012 in CrI. Revision Petition No. 02/2012.

While issuing notice vide Order dated 20.07.2012 the official respondents were asked to explain why the action under law has not been initiated against private respondents who have taken law in their own hands.

In compliance to the aforesaid Order, Mr. Karma Thinlay Namgyal, learned counsel appearing for the official respondents has today filed an affidavit of Additional

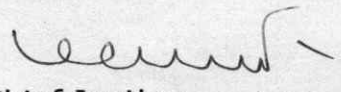
Serial No.	Date	Orders (s) with Signature (s)
1	2	3

District Magistrate, South District, Namchi stating therein that the final Order passed under Section 145 Cr. P.C. stands executed. This position is acknowledged by Mr. B.R. Pradhan, learned Senior Advocate appearing for the petitioner in whose favour the order was passed.

In this view of the matter, the criminal revision is rendered infructuous.

At this stage, Mr. N.B. Khatiwada, learned Senior Advocate appearing for the private respondents submits that in the garb of implementation of 145 Cr. P.C. order the property belongs to private respondents has also been taken possession of. It being a factual dispute, the private respondents are at liberty to seek any remedy available under law.

The petition is dismissed as infructuous.


Chief Justice
17.08.2012

Index : Yes / No
Internet : Yes / No
pm/jk