



Serial No. of Order	Date of Order	Order with Signāture	Office Note as to action (if any) taken on Order
4.	3.12.2003	<p>As requested by Shri S. P. Wangdi, learned Advocate General, list this case on 3.3.2004 for necessary orders. In the meantime, status report may be filed.</p> <p style="text-align: center;">             ( N.S. Singh )            Judge            3.12.2003         </p> <p style="text-align: center;">             ( R. K. Patra )            Chief Justice            3.12.2003         </p>	
5.	3.3.2004	<p>An unsigned petition was received in the Registry of this Court alleging that Crime Branch of the State was not making proper investigation in respect of certain cases mentioned therein. In view of such allegation, the said petition was registered as writ petition. We called upon the learned State Counsel to file counter-affidavit in the matter. It was submitted that police have taken up investigation in those cases and after completion of investigation, status report would be filed. On 1.3.2004, status report has been filed on behalf of the Director General of Police, Sikkim.</p> <p>We have heard Shri S. P. Wangdi, learned Advocate General assisted by Shri J. B. Pradhan, learned Government Advocate. We have perused the aforesaid status report.</p> <p>It now appears there were 9 cases registered under different provisions of law. Out of those 9 cases, final reports have been filed in the court of the Chief Judicial Magistrate (E&amp;N) Gangtok in eight cases. They are as follows :-</p> <ol style="list-style-type: none"> <li>1. CID P.S.case No.5(5)02 dated 31.5.02</li> <li>2. CID P.S.case No.6(5)02 dated 31.5.02</li> <li>3. CID P.S.case No.8(5)02 dated 31.5.02</li> <li>4. CID P.S.case No.9(5)02 dated 31.5.02</li> </ol>	

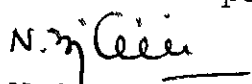
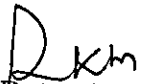
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		<p>5. CID P.S.case No.10(5)02 dated 31.5.02</p> <p>The above mentioned 5 cases were registered under section 420 IPC and section 7 of the Essential Commodities Act, 1955. After completion of investigation, final reports have been filed on 6.11.2003 under Section 173 Cr.P.C. closing them for the reasons mentioned therein in the Court of Chief Judicial Magistrate (E&amp;N) at Gangtok.</p> <p>6. CID P.S.case No.11(5)02 dated 31.5.02 was registered against M/S Calcutta Hardware, Gangtok under Section 420/177/120B IPC read with Section 23 of the Sikkim Sales Tax Act.</p> <p>7. CID P.S. case No.13(6)02 dated 4.6.02 was registered against M/S Binod Enterprises under Section 420/177 IPC read with Section 23 of the Sikkim Sales Tax Act.</p> <p>After investigation of the above 2 cases, final reports have been filed in the Court of the Chief Judicial Magistrate (E&amp;N) at Gangtok closing the cases for lack of evidence.</p> <p>8. CID P.S.case No.7(5)02 dated 31.5.02 was registered against M/S Maskey Fuels, Tadong under Section 7 of the Essential Commodities Act, 1955.</p> <p>After investigation, final report has been filed closing the case on the ground mentioned therein in the Court of the Chief Judicial Magistrate (E&amp;N) at Gangtok.</p> <p>In view of the fact that final reports have been filed in the above noted 8 cases, we direct the Learned Chief Judicial Magistrate (E&amp;N) Gangtok to consider</p>	

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A Certified Copy of this has sent to CJM (E&N) Gangtok

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5/3/04

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		<p>them and pass appropriate orders according to law.</p> <p>9. The 9<sup>th</sup> case relates to CID P.S.case No.12(5)02 dated 31.5.02. It was registered under Section 420/403/120B IPC read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 against one Manoj Gurung, Assistant Sub Inspector in the Food and Civil Supplies Department of the Government of Sikkim.</p> <p>After completion of investigation, the file has been forwarded to the State Government on 12.2.2004 for obtaining sanction for prosecution of the aforesaid Manoj Gurung under Section 13(1)(d) of the Prevention of Corruption Act, 1988.</p> <p>It is stated in the status report that the order of the State Government with regard to sanction for prosecution is awaited.</p> <p>Considering the facts and circumstances, we call upon the State Government to take appropriate decision with regard to grant of sanction and communicate the same to the authority for taking further action in the matter.</p> <p>With the aforesaid observations and directions this writ petition is disposed of.</p> <p style="text-align: center;">   (N. S. Singh)  Judge </p> <p style="text-align: center;">   (R. K. Patra)  Chief Justice </p>	

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