

**IN THE HIGH COURT OF SIKKIM
CRIMINAL REVISIONAL JURISDICTION**

Crl. Rev. P. No. 61 of 2015

Kashikant Jha,
S/o Late Kedar Jha,
R/o Dara Goan, Tadong,
Gangtok, East Sikkim. ----- Convict/Petitioner.

-VERSUS-

State of Sikkim. ----- Respondent.

PETITIONER
ADVOCATE (S) Mr. A. Moulik, Sr. Advocate, Mr. K. D. Bhutia,
FOR ----- Ms. Ranjit Prasad Mr. Pujan Kharka, Ms. A.
Sharma and Ms. Zamyang Choden Bhutia.

RESPONDENT
ADVOCATE (S) Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma
FOR ----- Thinlay, Addl. Public Prosecutor, Mr. S. K.
Chettri and Pollin Rai, Asstt. Public Prosecutor.

Sl. No.	DATE	ORDER (S) WITH SIGNATURE (S)
1	2	3
		BEFORE HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S.K. SINHA 01. 25.02.15 Present: Mr. A. Moulik, Sr. Advocate with Ms. K.D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioner. Petitioner, Mr. Kashikant Jha, present in person. Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for the State on advance copy. ... Heard on admission. Admit. Call for the records of the Courts below. List for further orders on 06.04.2015.  Acting Chief Justice 25.02.2015

at/jk Index : Yes / No
Internet : Yes / No

**IN THE HIGH COURT OF SIKKIM
CRIMINAL REVISIONAL JURISDICTION**

Crl. M.Appl. No. 07 of 2015
(In Crl.Rev.P.No.01/2015)

Kashikant Jha,
S/o Late Kedar Jha,
R/o Dara Goan, Tadong,
Gangtok, East Sikkim. ----- Convict/Petitioner.

-VERSUS-

State of Sikkim. ----- Respondent.

PETITIONER
ADVOCATE (S)
FOR -----

Mr. A. Moulik, Sr. Advocate, Mr. K. D. Bhutia,
Mr. Ranjit Prasad Mr. Pujan Kharka, Ms. A.
Sharma and Ms. Zamyang Choden Bhutia.

RESPONDENT
ADVOCATE (S)
FOR -----

Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma
Thinlay, Addl. Public Prosecutor, Mr. S. K.
Chettri and Pollin Rai, Asstt. Public Prosecutor.

Sl. No.	DATE	ORDER (S) WITH SIGNATURE (S)
1	2	3
01.	25.02.15	BEFORE HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S.K. SINHA Present: Mr. A. Moulik, Sr. Advocate with Ms. K.D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioner. Petitioner, Kashikant Jha, present in person. Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for the State on advance copy. ... Heard. This is an Application for suspension of sentence and grant of bail to the Petitioner during pendency of the Revision Petition. The Petitioner was convicted under Sections 467, 468 and 474 IPC by the trial Court and was sentenced to undergo SI for one year, six months and one year

Case No. S.J.M.A.No. 23/15

Serial No.	Date	Order (s) with Signature (s)
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		respectively, with fine amounts under each count. The Petitioner, thereafter, filed an Appeal and the conviction and sentences awarded under the said Sections of the IPC were set aside and he was convicted under Section 465 IPC and sentenced to undergo SI for six months and to pay fine of Rs.1.00 lakh, with default sentence of SI for six months more. Mr. A. Moulik, learned Senior Counsel appearing on behalf of the Petitioner, submits that the judgment and findings recorded by the Courts below are perverse and uncalled for. He also submits that the sentences awarded to the Petitioner are too harsh and further that the final disposal of the Revision is likely to take some more time, therefore, the sentences awarded against him may be suspended. On the other hand, Mr. J.B. Pradhan, learned Public Prosecutor opposes the above arguments. Considering the facts and circumstances of the case, particularly, considering the short term of jail sentence imposed against the Petitioner, and that the fine of Rs.1.00 lakh has also been awarded, I am of the opinion that this is a fit case in which the sentences imposed against him should be suspended.

Case No. Crl. M. A. No. 07/15

Serial No.	Date	Order (s) with Signature (s)
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		Accordingly, Crl. M. Appl. No. 07/2015 is allowed and it is directed that the sentences (jail sentence and fine sentence) imposed against the Petitioner shall remain suspended during the pendency of this Petition and he shall be released on bail on his executing a personal bond of Rs.25,000/- with one surety of like amount to the satisfaction of the Appellate Court within ten days from today for his further appearance before the said Court on 06.04.2015 and on such further dates which may be given by the said Court to the Petitioner till disposal of the Revision Petition. The Application stands finally disposed of. <i>Sd/-</i> Acting Chief Justice 25.02.2015

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Index : Yes / No
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