

CrI. A. No. **14** OF 2015

**-VERSUS-**

FOR ----- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma  
Thinlay, Add. Public Prosecutor, Mr. S. K. Chettri  
and Ms. Pollin Rai, Asstt. Public Prosecutor.

Case No. ....

| Serial No. | Date     | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | 2        | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 01.        | 24.08.15 | <p><b>Crl. A. No. 14/2015</b><br/> <b>Kaziman Gurung vs. State of Sikkim</b></p> <p><b>BEFORE</b><br/> <b>HON'BLE THE CHIEF JUSTICE</b><br/> <b>MR. JUSTICE S.K. SINHA</b></p> <p>Present: Mr. Ajay Rathi and Ms. Pema W. Bhutia, Advocates for the Appellant.</p> <p>Appellant, Mr. Kaziman Gurung, in person.</p> <p>Ms. Pollin Rai, Asstt. Public Prosecutor for the State - Respondent.</p> <p>...</p> <p>Heard.</p> <p>Admit.</p> <p>Call for the records of the Sessions Court.</p> <p>List for further orders on 13.10.2015.</p> <p style="text-align: right;"> <br/> Chief Justice<br/> 24.08.2015 </p> |

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

,

Kaziman Gurung,  
S/o Late Lall Bahadur Gurung,  
R/o Dodak Busty, Soreng,  
P. O. & P. S. Soreng,  
West District of Sikkim. ----- Appellant/Applicant.

**-VERSUS-**

State of Sikkim. ----- Respondent.

PETITIONER  
ADVOCATE (S)

FOR ----- Mr. Ajay Rathi, Mr. Rahul Rathi, Mr. Aditya Makkim,  
Ms. Pema Wongmu Bhutia, Ms. Phurba Diki Sherpa  
and Ms. Sachina P. Y. Subba.

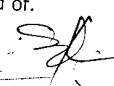
RESPONDENT  
ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma  
Thinlay, Add. Public Prosecutor, Mr. S. K. Chettri  
and Ms. Pollin Rai, Asstt. Public Prosecutor.

Case No.....

| Serial No. | Date     | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | 2        | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 01.        | 24.08.15 | <p><b>Crl. M. A. No. 45/2015 in Crl. A. No. 14/2015</b><br/><b>Kaziman Gurung vs. State of Sikkim</b></p> <p><b>BEFORE</b><br/><b>HON'BLE THE CHIEF JUSTICE</b><br/><b>MR. JUSTICE S.K. SINHA</b></p> <p>Present: Mr. Ajay Rathi and Ms. Pema W. Bhutia, Advocates for the Appellant.</p> <p>Appellant, Mr. Kaziman Gurung, in person.</p> <p>Ms. Pollin Rai, Asstt. Public Prosecutor for the State - Respondent.</p> <p>....</p> <p>Heard.</p> <p>This is an Application for suspension of sentences and grant of bail to the Appellant.</p> <p>The Appellant has been convicted under Sections 307 and 392 IPC and sentenced to undergo SI for one year and six months and to pay fine of Rs.10,000/- under each count with a direction to run the sentences consecutively.</p> <p>Mr. Rathi, learned counsel for the Appellant, referring to various paragraphs of the Judgment, argued that conviction and sentences awarded to the Appellant are not proper as the evidence available on record has not been properly appreciated by the Sessions Court. He further argues that the sentences imposed against the Appellant have already been suspended by the Sessions Court for enabling him to file this Appeal.</p> |

Case No.....

| Serial No. | Date | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | 2    | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|            |      | <p>On the other hand, Ms. Pollin Rai, learned Asstt. Public Prosecutor appearing on behalf of the State opposed these arguments.</p> <p>On due consideration of the submissions made by the learned counsel for the parties and the grounds taken in the Application, the same is allowed and it is directed that the sentences imposed against the Appellant (jail sentences as well as fine sentences) shall remain suspended during the pendency of this Appeal and the Appellant shall remain released on bail on the previous Bail Bond already furnished.</p> <p>The CrI. M. Appl. stands finally disposed of.</p> <p><br/>Chief Justice<br/>24.08.2015</p> |

pm/jk

Index : Yes / No  
Internet : Yes / No