

High Court of Sikkim
Record of Proceedings

CRL. A. No. 02/2020

SANDEEP RAI

APPELLANT (S)

VERSUS

STATE OF SIKKIM

RESPONDENT (S)

Date: 19/02/2020

CORAM :

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

...

(ARUP KUMAR GOSWAMI, CJ)

Heard Ms. Sedenla Bhutia, learned Legal Aid Counsel appearing for the appellant and Mr. Sujan Sunwar, learned Assistant Public Prosecutor, Sikkim.

IA No. 01 of 2019 is an application for condonation of delay of 50 days in preferring the connected appeal under Section 374(2) of the Code of Criminal Procedure, 1973, preferred against the Judgment dated 29.08.2019 and order on sentence dated 30.08.2019 passed by the learned Special Judge (POCSO), West Sikkim at Gyalshing in Sessions Trial (POCSO) Case No. 26 of 2018, convicting the appellant under Section 5 (I), 5 (m) and 5 (n) of the Protection of Children from Sexual Offences Act, 2012, for short, POCSO Act, 2012, punishable under Section 6 of the POCSO Act and sentencing him accordingly.

The averments made in the IA go to show that Ms. Sedenla Bhutia was appointed by the Sikkim State Legal Services Authority as Legal Aid Counsel on 24.09.2019. The delay that has occurred is primarily on account of the fact that the counsel was out of station for her mother's medical treatment from 02.10.2019 to 30.10.2019 and as she had suffered from Lumbar Spinal

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Stenosis from 04.11.2019 to 18.11.2019. Thereafter, appeal was drafted and prepared and finally the same was filed on 21.12.2019.

Having regard to the aforesaid, we are of the opinion that the delay needs to be condoned and accordingly, the delay is condoned.

IA No. 01 of 2019 stands disposed of.

We have also heard the learned counsel for the parties on admission of the appeal.

Admit the appeal.

Call for the records.

Registry will prepare the paper-book.

List this case on 26.05.2020 for orders.

Judge

Chief Justice

jk/ds/amit