

Crl. A. No. 02 of 2020

SANDEEP RAI

...APPELLANT

Versus

STATE OF SIKKIM

...RESPONDENT

Date: 27.11.2020

CORAM:

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

...

(ARUP KUMAR GOSWAMI, CJ)

Heard Ms. Sedenla Bhutia, learned Legal Aid Counsel for the appellant.
Also heard Ms. Pema Bhutia, learned Assistant Public Prosecutor for the respondent.

Pursuant to our order dated 15.10.2020, the Juvenile Justice Board (JJB), Gyalshing has passed an order dated 12.11.2020 to the effect that the ossification test revealed that the appellant/accused was aged about 19-21 years on the date of examination i.e. on 02.11.2020, by the Consultant - cum-HOD Radiology, New STNM Hospital, Gangtok.

Based on the above, the JJB has concluded that the age of the appellant/accused in the year 2017 was between 16 - 18 years and accordingly, held that the appellant/accused in the year of commission of alleged offence, was a child within the meaning of Section 2(12) and a juvenile within the meaning of Section 2 (35) of the Juvenile Justice (Care and Protection) Act, 2015.

Learned Counsel for the parties were not furnished with the copy of the order dated 12.11.2020 of the JJB, and therefore, they have prayed for some time to examine the courses open for this Court in view of the conclusion reached by the JJB.

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

The prayer being reasonable is allowed.

List on 30.11.2020 as a part-heard case.

Judge

Chief Justice

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