

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

Crl. A. No. 23 OF 2016

Thutob Namgyal Bhutia,
S/o S. T. Bhutia,
R/o Old Mangan Bazar,
North Sikkim.

----- Petitioner.

-VERSUS-

State of Sikkim.

----- Respondent.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. B. R. Pradhan, Sr. Advocate with Ms. Tshering
Palmoo Bhutia.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma Thinlay,
Addl. 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.	26-08-2016	Crl.A.No.23 of 2016 Thutob Namgyal Bhutia vs. State of Sikkim BEFORE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present : Mr. B. R. Pradhan, Senior Advocate (Legal Aid Counsel) with Ms. Tshering Palmoo Bhutia, Advocate (Legal Aid Counsel) for the Appellant. ----- Issue notice. Mr. S. K. Chettri and Mrs. Pollin Rai, Assistant Public Prosecutors, present on advance notice and waive formal notice for the State-Respondent. I.A.No.01 of 2016 Learned Senior Advocate prays for suspension of sentence imposed by the Learned Sessions Judge, North Sikkim, at Mangan, convicting the Appellant under Section 498A of the Indian Penal Code, 1860 and sentencing him to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5,000/- (Rupees five thousand) only, with a default stipulation. Learned Assistant Public Prosecutor vehemently objects to the Application on grounds that there is clinching evidence against the Appellant who is also a habitual offender and, therefore, the Application deserves to be rejected. It appears that after the conviction and sentence the Appellant was granted bail and his sentence suspended vide Order dated 28-06-2016 for a period of thirty days by the Learned Sessions Judge, North Sikkim at Mangan. Following this, on 27-07-2016

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		there was an extension of the suspension of sentence and bail was granted up to 28-09-2016. After giving due consideration to the submissions of Learned Counsel for the Appellant and the State, the sentence imposed on the convict stands suspended and he may continue on the same bail bonds granted vide Order of the Learned Sessions Judge, North Sikkim at Mangan, reflected <i>supra</i>, till disposal of this Appeal I.A. No.01 of 2016 disposed of. I.A.No.02 of 2016 The Application is not pressed by Counsel for the Appellant being otiose in view of Order above and is accordingly disposed of. Heard on admission. Admit. Call for the records of the Learned Trial Court. Paper books be prepared as per Rules. List on 07-10-2016 for orders. <i>sd-</i> Judge 26-08-2016 Index : Yes/No Internet : Yes/No