

Crl. A. No. 25/2016
Santa Maya Rai Vs. State of Sikkim

BEFORE
MR. BHASKAR RAJ PRADHAN, JUDGE.

06. 25.05.17 Present: Ms. Gita Bista, and Ms. Monika Rai, Legal Aid
Counsels for the Appellant.

Mr. J.B Pradhan, Public Prosecutor and Mr. Karma
Thinlay, Addl. Public Prosecutor with Ms. Pollin Rai,
Asst. Public Prosecutor, for the Respondent.

On 03.05.2017, I.A. No. 2 of 2017 was filed by one Ritu Rai, sister of the appellant apprising this Court about the death of the appellant on 19.04.2017. As proof thereof a photocopy of the death certificate issued by one Dr. Suresh Kumar, D.M.S, D.O.S (Call) OEPP (USA), Eye Specialist, Silliguri, West Bengal was filed as Annexure - A.

On 04.05.2017 this Court granted the prosecution two weeks' time to verify the contention that the Sole Appellant namely Santa Maya Rai, expired on 19.04.2017. Pursuant thereto the State-Respondent has filed the Report dated 23.05.2017, filed by the Deputy Superintendent of Police, Crime Branch, C.B.I, Gangtok.

I have perused the said report along with the Annexures annexed thereto. Perusal of the report *prima facie* indicates that the Annexure - A in I.A No. 02 of 2017, the photocopy of the death certificate dated 19.04.2017 may not be correct. However, the report is in-conclusive.

The Respondent seeks three weeks' time for the investigation officer to investigate further and report on the veracity of the Death Certificate issued by one Dr. Suresh Kumar dated 19.04.2017 (Annexure - A to I.A No. 02 of 2017) and the death of Sole appellant, namely, Santa Maya Rai.

Time is allowed. Let the report be filed within a period of three weeks.

Notice may also be issued to Ritu Rai, daughter of Late Bhir Bahadur Rai, aged about 19 years, by profession student, by faith Hindu, R/o, Tukvar Lepcha Busty, P.O. Tukvar & P.S Sadar, Darjeeling, West Bengal, returnable in three weeks, to file proof of death of the sole appellant as well as the original of Annexure - A of I.A No. 02 of 2017.

The learned counsel appearing for the Appellant has provided a mobile number of the sole appellant Santa Maya Rai, which is 08001638442, through which the said Ritu Rai, was last contacted.

If any difficulty arises while serving the notice to the said Ritu Rai, the assistance of the Investigating Officer may be taken to serve the notice.

List on 20.06.2017.

Judge
25.05.2017

avi

Index : Yes / No
Internet : Yes / No