

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

Crl. Appl. No. 3 of 2015

1. Prakash Pradhan,
S/o Mon Bahadur Pradhan,
R/o West Pendam, Sawney,
P. O. & P. S. Singtam,
East Sikkim.
 2. Satish Agarwal,
S/o Gauri Shankar Agarwal,
R/o Singtam Bazaar,
Singtam, East Sikkim.
A/p State Central Prison,
Rongyek, East Sikkim.
- Appellants/Convicts.

-VERSUS-

State of Sikkim. Respondent.

PETITIONER
ADVOCATE (S)
FOR Mr. Ajay Rathi, Mr. Rahul Rathi and Ms. Pema
W. Bhutia.

RESPONDENT
ADVOCATE (S)
FOR Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma
Thinlay, Addl. Public Prosecutor, Mr. S.K. Chettri,
and Pollin Rai, Asstt Public Prosecutor.

Sl. No.	DATE	ORDER (S) WITH SIGNATURE (S)
1	2	3
01.	19.03.15	BEFORE HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S. K. SINHA Present: Mr. Ajay Rathi, Mr. Rahul Rathi and Mr. Aditya Makhim, Advocates for the Appellants. Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for the State on advance copy. Heard on admission.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		Admit. Issue notice. Mr. S.K. Chettri takes notice on behalf of State. Call for the records. List for further orders on 01.05.2015.  Acting Chief Justice 19.03.2015

pm/jk

Index : Yes / No
Internet : Yes / No

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

Crl. M. Appl. No. 08 of 2015
(In Crl. A. No.03 of 2015)

1. Prakash Pradhan,
S/o Mon Bahadur Pradhan,
R/o West Pendam, Sawney,
P. O. & P. S. Singtam,
East Sikkim.
2. Satish Agarwal,
S/o Gauri Shankar Agarwal,
R/o Singtam Bazaar,
Singtam, East Sikkim.
A/p State Central Prison,
Rongyek, East Sikkim. ----- Applicants/Appellants.

-VERSUS-

State of Sikkim. ----- Respondent.

PETITIONER
ADVOCATE (S)

FOR ----- Mr. Ajay Rathi, Mr. Rahul Rathi and Ms. Pema
W. Bhutia.

RESPONDENT
ADVOCATE (S)

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

Sl. No.	DATE	ORDER (S) WITH SIGNATURE (S)
1	2	3
		BEFORE HON'BLE THE ACTING CHIEF JUSTICE MR. JUSTICE S. K. SINHA
01.	19.03.15	Present: Mr. Ajay Rathi, Mr. Rahul Rathi and Mr. Aditya Makhim, Advocates for the Appellants. Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for the State on advance copy. ... 1. Heard.

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Serial No.	Date	Order (s) with Signature (s)
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		2. This is an Application for suspension of sentences and grant of bail to the Appellants, who have been convicted under Section 9(d) of the Sikkim Anti Drugs Act, 2006 read with Section 34 of the IPC; and Rule 17(1) of the Sikkim Anti Drugs Rules, 2007 read with Section 14 of Sikkim Anti Drugs Act, 2006 and Section 34 of the IPC; and sentenced to undergo SI for 4 years and six months respectively with fine sentences under each count with a further direction to run the sentences concurrently. 3. Mr. Ajay Rathi, learned counsel for the Appellants, submitted that the Appellants were on bail during the trial and after their conviction they are in jail since 19.12.2014. He further submitted that the Appellants have undergone substantial jail sentences during the course of trial before grant of bail. He also took me to various paragraphs of the Judgment and argued that the Judgment is perverse on certain accounts. 4. On the other hand, Mr. S.K. Chettri, learned Asstt. Public Prosecutor appearing on behalf of the State, has opposed this argument and supported the Judgment passed by the Special Court. 5. Having heard learned counsel for the parties, I have perused the records of the Appeal. I am of the opinion

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Serial No.	Date	Order (s) with Signature (s)
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		that present is a fit case to suspend the sentences imposed against the Appellants till the disposal of the Appeal, as the Appellants have already suffered about 91 days after their conviction and they have also suffered substantial sentences during pendency of the trial and further that the disposal of this Appeal is likely to take some more time. 6. Accordingly, Crl. M. Appl. No. 08/2015 is allowed and it is directed that the sentences (including fine sentences) imposed against the Appellants shall remain suspended during pendency of this Appeal and the Appellants shall be enlarged on bail on their furnishing a personal bond of Rs.25,000/- each with one surety of like amount to the satisfaction of the trial Court, for their appearance before this Court on the next date fixed for listing of the Appeal. The sureties shall be local sureties of East District. 7. Crl. M. Appl. No. 08/2015 stands finally disposed of. 8. Certified copy as per Rules.  Acting Chief Justice 19.03.2015

pm/jk

Index : Yes / No
Internet : Yes / No