

Crl. A. No. 33/2016
Robin Gurung vs. State of Sikkim
BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

05. 30.03.17 Present: Ms. Gita Bista, Advocate for the Appellant.

Mr. Karma Thinlay, Addl. Public Prosecutor with Mr. S.K. Chettri and Ms. Pollin Rai, Assistant Public Prosecutors for the State.

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IA No. 01/2016

This is an application seeking condonation of delay in preferring the appeal against the impugned judgment and sentence dated 30.09.2016, whereunder the appellant was convicted of the offences under the provisions of Sections 5(1)/6 of the Protection of Children from Sexual Offences Act, 2012 (in short, "the POCSO Act, 2012"), Section 376(2)(i)(n) of the Indian Penal Code, 1860 (in short "IPC") and Section 354B of the IPC (on both counts) and sentenced therein. The appellant is sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.50,000/- for the offence under Sections 5(1)/6 of the POCSO Act, 2012. In default to pay the amount of fine, he is to undergo simple imprisonment for a further period of six months. The appellant is further sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.50,000/- for the offence under Section 376 (2) (i), (n) of the IPC. In default to pay the amount of fine, to undergo simple imprisonment for a further period of six months. The appellant is also

sentenced to undergo simple imprisonment for a period of four years and to pay a fine of Rs.25,000/- for the offence under Section 354B of the IPC committed on 29.08.2015. In default to pay the amount of fine, he is directed to undergo simple imprisonment for a further period of six months. Lastly, the appellant is sentenced to undergo simple imprisonment for a period of four years and to pay a fine of Rs.25,000/- for the offence under Section 354B of the IPC committed on 01.09.2015. In default to pay the amount of fine, he is to undergo simple imprisonment for a further period of six months.

The instant appeal is filed with the assistance of Legal Aid from the Sikkim State Legal Services Authority. As per the application, the counsel was appointed on 25.11.2016. Thereafter, some time was taken to collect the information and prepare the appeal. In such a process 16 days more have elapsed from the last date of filing of appeal. Learned counsel further submits that delay is beyond control of the appellant and the delay deserves to be condoned in the interest of justice.

Mr. Karma Thinlay, learned Addl. Public Prosecutor has no objection.

Considering all aspects of the matter, I am of the considered view that the delay be condoned to examine the appeal. Accordingly, delay of 16 days is condoned.

Admit.

Call for the trial Court records.

List it after paper-book is ready.

Sd/-
Chief Justice
30.03.2017

jk/pm Index : ~~Yes~~ / No
 Internet : Yes / ~~No~~