

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

Crl. M. Appl. No. 09 of 2015
(In Crl. A. No. 4 of 2015)

Suraj Rai @ Suresh,
S/o Dhan Bahadur Rai,
R/o Chissopani,
South Sikkim. ----- Appellant/Appellant.
At Present: Rongyek Jail

-VERSUS-

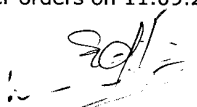
State of Sikkim,
Through the Chief Secretary,
Government of Sikkim,
Gangtok, East Sikkim. ----- Respondent.

BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S. K. SINHA HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE		
V	06. 30.07.15 (Sinha, CJ)	Present: Mr. N. Rai, Sr. Advocate (Sr. Legal Aid Counsel) with Ms. Tamanna Chettri, Advocate for the Appellant. Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K. Chettri, Asstt. Public Prosecutor for the State. ... Heard. This is an Application, filed by the Appellant, for condonation of delay in filing Crl. Appeal No. 04/2015 (Suraj Rai @ Suresh vs. State of Sikkim). According to learned counsel for the Appellant, there is delay of about 14 years and 7 months in filing the Appeal. Among the others, the main ground for condoning the delay, as contended by Mr. Rai, is that the copy of the impugned Judgment dated 11.08.2000 passed in Criminal Case (Sessions Trial) No. 09 of 1996 was not supplied to the Appellant after recording his conviction and sentence vide the aforesaid Judgment. Records of the Sessions Court have been called for. There does not appears to be any endorsement either in the Judgment or in the relevant order sheet that after pronouncement of the Judgment of conviction and order of sentence against the Appellant under Section 302/201 of

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Serial No.	Date	Order (s) with Signature (s)
1	2	the IPC, the Appellant or his counsel was handed over a copy of the said Judgment. Mr. Pradhan, learned Public Prosecutor appearing on behalf of the State, has argued that there is nothing on record to show as to what was the practice in this State in the year 2000, that is to say, whether copies were handed over immediately or they were sent to the concerned jail by making endorsement at some place or by sending them through post or by dak-book of the Court. He suggested that all this may be clear if a report is called from the concerned Sessions Court within the stipulated period granted by this Court. Learned counsel for both the parties have referred to the decision of Supreme Court in Madhav Hayawadanrao Hoskot vs. State of Maharashtra : (1978) 3 SCC 544. In view of the controversy raised before this Court, we are of the opinion that a report should be called from the concerned Sessions Court as to whether after pronouncement of the Judgment, copy of the same was given to the Appellant or not. Let the entire records of the lower Court along with the copy of this order, the copy of the Application under Section 5 of Limitation Act and the reply submitted by the State be sent to the concerned Sessions Court, which shall

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Serial No.	Date	Order (s) with Signature (s)
1	2	3 submit a report to this Court as to whether after pronouncement of Judgment, copy of the same was handed over to the Appellant or not. The Sessions Court shall submit the report within a period of one month from the date of receipt of this order. The records of Sessions Trial shall also be sent back. List for further orders on 11.09.2015.  Judge 30.07.2015  Chief Justice 30.07.2015

at/jk

Index : Yes / No
Internet : Yes / No

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Crl. A. No. 04 of 2015

Suraj Rai @ Suresh,
S/o Dhan Bahadur Rai,
R/o Chissopani,
South Sikkim.
At Present: Rongyek Jail

----- Appellant.

-VERSUS-

State of Sikkim,
Through the Chief Secretary,
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Gangtok, East Sikkim.

----- Respondent.

BEFORE

**HON'BLE THE CHIEF JUSTICE
MR. JUSTICE S. K. SINHA**

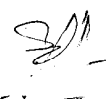
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

06. 30.07.15 Present: Mr. N. Rai, Sr. Advocate (Sr. Legal Aid Counsel) with
(Sinha, CJ) Ms. Tamanna Chettri, Advocate for the Appellant.

Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K.
Chettri, Asstt. Public Prosecutor for the State.

...
List along with Crl. M. Appl. No. 09/2015 on
11.09.2015.


Judge
30.07.2015


Chief Justice
30.07.2015

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