

Crl. A. No. 04/2020

MANI KUMAR RAI @ TERE NAAM

APPELLANT (S)

VERSUS

STATE OF SIKKIM

RESPONDENT (S)

Date: 16/06/2020

CORAM :

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CJ.

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

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(ARUP KUMAR GOSWAMI, CJ)

This matter is taken up through V.C.

Heard Ms. Gita Bista, learned Legal Aid Counsel appearing for the appellant and Mr. Yadav Sharma, learned Additional Public Prosecutor, Sikkim on IA No. 02 of 2020, which is an application filed under Section 389 of the Cr. P.C. for suspension of sentence.

The paper-book has been prepared.

The learned trial Court on the basis of evidence adduced by the prosecution and more particularly, on the basis of evidence of PW1, PW9, PW10, PW11, PW12, PW14 and PW21 had held that the prosecution had been able to establish the guilt of the accused beyond reasonable doubt.

Ms. Bista has submitted that the learned trial Court was not justified in coming to the conclusion that the circumstantial evidence produced by the prosecution unerringly established the guilt of the accused.

On appreciation of the evidence of the witnesses for the purpose of consideration of the bail application, we are of the opinion that no case for bail or for suspension of sentence is made out.

Accordingly, IA No. 02 of 2020 is rejected.

However, taking note of the submission of Ms. Bista that the appellant is in jail for the last three years i.e. from the date of arrest, we are inclined to post this matter for hearing on 16.07.2020.

Registry will, accordingly, list this case for hearing on 16.07.2020.

Judge

Chief Justice

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