

IN THE HIGH COURT OF SIKKIM

CRIMINAL JURISDICTION

Crl.A

No. 14 of 20 14

Surya Baraily

Appellants (s)
Petitioner(s)

Versus

State of Sikkim

Respondent (s)
Opposite party (s)

BEFORE

HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE

12. 29.07.2015

Present: Mr. Udai P. Sharma, Legal Aid Counsel with
Mr. Yok Kumar Rai, Advocate for the
Appellant.

Mr. Karma Thinlay Namgyal, Additional Public
Prosecutor with Mrs. Pollin Rai, Assistant
Public Prosecutor for the State-Respondent.

As per the prayers of the Learned Counsel for the
parties, the case is listed for hearing on 25.08.2015.


Judge
29.07.2015

ds/to

Index : Yes/No
Internet : Yes/No

IN THE HIGH COURT OF SIKKIM
CRIMINAL APPELLATE JURISDICTION

Crl. M. Appl. No. 28 of 2015
(In Crl. A. No. 14 of 2014)

Surya Baraily,
S/o Damber Baraily,
R/o Charali,
Hariya Budhubarey,
Jhapa, Nepal,
A/P Upper Suldung,
Mangalbaria,
West Sikkim.

----- Applicant/Appellant.

-VERSUS-

State of Sikkim.

----- Respondent.

BEFORE

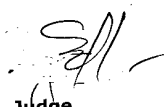
HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE

03. 29.07.2015

Present: Mr. Udai P. Sharma, Legal Aid Counsel with
Mr. Yok Kumar Rai, Advocate for the
Appellant.

Mr. Karma Thinlay Namgyal, Additional Public
Prosecutor with Mrs. Pollin Rai, Assistant
Public Prosecutor for the State-Respondent.

In view of the order passed today in Crl.M.Appl.
No.36 of 2015, this Crl.M.Appl. stands disposed of.


Judge
29.07.2015

ds/to

Index : Yes/No
Internet : Yes/No

IN THE HIGH COURT OF SIKKIM
CRIMINAL JURISDICTION

Crl. M. Appl. No. 36 OF 2015
(In Crl. A. No. 14 of 2014)

Surya Baraily,
S/o Damber Baraily,
R/o Charali,
Hariya Budhabarey,
Jhapa, Nepal. ----- Applicant/Appellant.

-VERSUS-

The State of Sikkim,
Through the Ld. Government
Advocate-cum-Public Prosecutor,
High court of Sikkim,
Gangtok, East Sikkim. ----- Respondent.

APPELLANT
ADVOCATE (S)
FOR ----- Mr. U. P. Sharma, Legal Aid Counsel.

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

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	29.07.2015	Crl. M. Appl. No. 36/2015 in CRL. A No.14/2014 Surya Baraily vs State of Sikkim <u>BEFORE</u> HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE Present: Mr. Udai P. Sharma, Legal Aid Counsel with Mr. Yok Kumar Rai, Advocate for the Appellant. Mr. Karma Thinlay Namgyal, Additional Public Prosecutor with Mrs. Pollin Rai, Assistant Public Prosecutor for the State-Respondent. ----- This application has been filed on behalf of the Appellant praying for directions for recording additional evidence in light of the entries made in the Register maintained by the Chief Registrar of Births and Deaths, Health & Family Welfare Department, Government of Sikkim at Rinchenpong Primary Health Center in respect of the Birth Certificate of the victim of the offence, Miss Arpana Kami (Biswakarma), Exhibit 3. Mr. Udai P. Sharma, Learned Legal Aid Counsel, appearing for the Appellant, submits that there are serious anomalies in her Birth Certificate as entries made therein do not tally with the ones in the Register maintained by the Rinchenpong, Primary Health Center. It is also pointed out that inconsistencies are also found in the entries in respect of one B.K. Tamang. Mr. Sharma would urge that these require to be brought on record by adducing additional evidence being crucial for the Appellant's case.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		I have considered the submissions of Mr. Udai P. Sharma and am of the view it would not be necessary to adduce additional evidence since the document sought to be placed on record emanates from the original Birth Register which is available in the records having been submitted in compliance to the direction contained in order dated 09.06.2015 in CrI.Misc.Appl. No.28 of 2015. Mr. Karma Thinlay Namgyal, Learned Additional Public Prosecutor, fairly concedes to this and submits that he has no objections if the document is taken on record as evidence. In view of this, the Birth Record Register submitted by the State-Respondent is taken on record and marked as Exhibit "C" and the relevant entry in respect of the victim girl contained in Entry Nos.148/04, 149/04 and 150/04 as Exhibit "C1". In view of this, this CrI.M.Appl. stands disposed of and the document be incorporated with the main paper book.  Judge 20.07.2015
Index Internet	Yes/No Yes/No	