

CrI. A. No. 08 OF 2016

----- Appellant.

State of Sikkim. ----- Respondent.

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

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	22.02.2016	Crl. A. No.8/2016 BEFORE MR. JUSTICE S. K. SINHA, CJ. Present: Mr. R. P. Sharma and Ms. Pema Lhamu Lepcha, Advocates for the Appellant. Ms. Pollin Rai, Assistant Public Prosecutor for the State, on advance copy. ... <u>IA No.2/2016</u> Heard. This is an application seeking adjournment. It is not pressed and is dismissed. <u>Crl. A. No.8/2016</u> Heard on admission. Admit. Issue Notice. Ms. Rai accepts notice on behalf of the State and prays for and is granted 15 days' time to seek instructions. List for further orders on 09.03.2016. In the meanwhile, call for records of the Sessions Court. <u>IA No.1/2016</u> Heard. This is an application for suspension of sentence and grant of bail to the Appellant. The Appellant has been convicted u/S.326 of the Indian Penal Code, 1860 and sentenced to undergo RI for 3 (three) years and to pay fine of Rs.5,000/- with default sentence of RI for 3 (three)

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		months in Sessions Trial Case No.02/2015 by the Sessions Judge, North Sikkim at Mangan, on 24.12.2015. Mr. R. P. Sharma, learned Counsel appearing on behalf of the Appellant, submits that the Appellant was on bail during the trial and even after conviction, the sentences imposed against him have been suspended by the Sessions Court and he is on bail till 28.02.2016. He further argues that in the facts and circumstances, an offence u/S.326 IPC would not be made out. On the other hand, Ms. Rai, learned Asstt. Public Prosecutor appearing on behalf of the State, opposes the bail application. Considering the above facts and circumstances of the case, particularly, considering the circumstance that the sentences imposed against the Appellant have been suspended by the Sessions Court, I am of the view that present is a fit case to suspend the above sentences till the disposal of the Appeal. Accordingly, IA No.1/2016 is allowed and it is directed that on the Appellant's furnishing a personal bond of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court, the sentences (jail and fine sentences) awarded to the Appellant shall remain suspended and he shall continue on bail till the final disposal of the Appeal. <i>sd/-</i> Chief Justice 22.02.2016

pm

Index : Yes / No
Internet : Yes / No