

HIGH COURT OF SIKKIM
Record of Proceedings

Crl. M. C. No.07 of 2025

RABIN RAI

PETITIONER

VERSUS

STATE OF SIKKIM

RESPONDENT

Date: 10.09.2025**CORAM : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

For Petitioner Mr. Safal Sharma, Advocate.

For Respondent Mr. Thinlay Dorjee Bhutia, Public Prosecutor.
Mr. Sujan Sunwar, Assistant Public Prosecutor.

ORDER

Heard Learned Counsel for the Petitioner. He has filed an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), seeking quashing of FIR No.113/2023, dated 01-07-2023, lodged before the Sadar Police Station and the consequent criminal case being ST (POCSO) Case No.01 of 2024 (*State of Sikkim vs. Rabin Rai*), pending before the Court of the Special Judge (POCSO), at Gangtok, Sikkim.

Issue Notice to the Respondent.

Learned Public Prosecutor is present for the Respondent on advance Notice and waives formal Notice.

I.A. No.01 of 2025 is an application filed by the Petitioner seeking stay of the proceedings in ST (POCSO) Case No.01 of 2024 (*State of Sikkim vs. Rabin Rai*), pending before the Court of the Special Judge (POCSO), at Gangtok, Sikkim, until disposal of the Petition under Section 528 of the BNSS.

Learned Public Prosecutor objects to the submissions of Learned Counsel for the Petitioner and urges that the matter be allowed to continue to its logical end.

Having given due consideration to the submissions advanced, I am of the considered view that ST (POCSO) Case No.01 of 2024 (*State of Sikkim vs. Rabin Rai*), pending before the Court of the Special Judge (POCSO), at Gangtok, Sikkim, ought to be and is accordingly stayed until hearing of this Petition has taken up and concluded.

List on 31-10-2025.

Judge
10.09.2025