

Tr. P. (Crl.) No. 02 OF 2016

**-VERSUS-**

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

Case No.....

| Serial No. | Date       | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 2.         | 29.08.2016 | <p style="text-align: center;"><b>TR. P. (CRL.) No. 02 of 2016</b></p> <p style="text-align: center;"><b>Rajat Lakhotia vs. State of Sikkim</b></p> <p style="text-align: center;"><b>BEFORE</b><br/><b>HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE</b></p> <p>Present: Mr. B. Sharma, Sr. Advocate with Mr. B. N. Sharma, Advocate for the Petitioner.</p> <p>Mr. Karma Thinlay Namgyal, Addl. Public Prosecutor for the State-Respondent.</p> <p>-----</p> <p>(1) Heard.</p> <p>(2) This is an Application under Chapter XXXI, Section 407(c) read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.'), seeking transfer of General Register Case No. 09 of 2015 from the Court of the learned Judicial Magistrate, North at Mangan to the Court of learned Judicial Magistrate, East at Gangtok. The grounds therein are that initially the Appellant after being arrayed as Accused No.2, in connection with CID P.S. Case No. 05/2013 dated 17.8.2013 was booked under Sections 468/471/420 read with Section 120-B of the Indian Penal Code, 1860. The Charge-Sheet was filed before the Court of the learned Chief Judicial Magistrate, East and North at Gangtok. The learned Chief Judicial Magistrate was unable to hear the matter on grounds that he had recorded the Section 164 Cr.P.C. statement of one of the persons' arrayed as an accused and since discharged, as well as that of one witness.</p> <p>(3) Consequently, vide Office Order of the High Court bearing No. 564/JUDL/HCS dated 27.3.2015, the Case was transferred to the Court of the learned Judicial Magistrate,</p> |

Case No.....

| Serial No. | Date                                             | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|            |                                                  | <p>North at Mangan, as the learned Chief Judicial Magistrate, East &amp; North was also the in-charge of the Court of the learned Judicial Magistrate, East at Gangtok.</p> <p>(4) Now, since the jurisdiction of the matter pertains to East District, it is prayed that the matter be retransferred to the Court of the learned Judicial Magistrate, East at Gangtok, which now has another Judicial Officer in place.</p> <p>(5) The learned Additional Public Prosecutor has no objection to the prayer.</p> <p>(6) In view of the above submissions, the matter stands transferred to the Court of the learned Judicial Magistrate, East at Gangtok, from the Court of the learned Judicial Magistrate, North at Mangan, with immediate effect.</p> <p>(7) The learned Judicial Magistrate, North shall take necessary steps in this regard and the learned Judicial Magistrate, East shall dispose of the matter as per law.</p> <p>(8) Accordingly, Transfer Petition (Criminal) No. 02 of 2016 stands disposed of.</p> <div style="text-align: right;"><br/><b>Judge</b><br/>29.08.2016</div> |
|            | Index : Yes / No<br>Internet : Yes / No<br>ds/bp |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |