

HIGH COURT OF SIKKIM

Record of Proceedings

W.P (Crl.) No.01 of 2018

NHPC LTD. RANGIT POWER STATION, SOUTH SIKKIM ...Petitioner.

VERSUS

STATE OF SIKKIM ... Respondent.

Date: 22/05/2018

CORAM :

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

For Petitioner : Mr. A. K. Upadhyaya, Senior Advocate. Ms. Aruna Chettri, Advocate.

For Respondent : Mr. Karma Thinlay, Additional Public Prosecutor with Mr. S.K Chettri and Ms. Pollin Rai, Assistant Public Prosecutors.

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The present Writ Petition seeks to challenge an order dated 29.12.2017 passed by the learned Trial Judge rejecting an application of the Petitioner for release of Escorts Hydraulic Mobile Crane (HYD-14) bearing engine No.S4 33-A 48180 having chasis number 195 B 491621 pending Sadar P.S Case No.51 of 2017 dated 04.03.2017 under Sections 420/406/465/468/471/120"B"/381/411 IPC, 1860. The learned Trial Judge has rejected the application for release on the ground that there is yet another claimant to the said crane.

The State Respondent has also filed a counter affidavit dated 11.04.2018 and the Petitioner seeks time to file a Rejoinder.

Two weeks' time granted.

The impugned order directs the Investigating Officer to take steps to start and run the said machine for its upkeep and maintenance and take necessary steps for the same and also to keep a record of it.

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Mr. Karma Thinlay, learned Additional Public Prosecutors submits that during the pendency of the present Writ Petition the Petitioner may be permitted to visit Hingdam P.S where the said crane is presently kept to ensure its maintenance as the Police Station would not have the capacity to do so. The Petitioner being one of the claimant may be permitted to visit the P.S occasionally and maintain the crane under supervision of the Authorities of the Police Station maintaining proper records thereof.

As the impugned Judgment rejects the application for release of the said crane by the Petitioner on the ground that there is yet another claimant for the said crane, it may be necessary for the Court to hear the said claimant before deciding the present Writ Petition.

In the circumstances, issue notice to Mr. Sonam Palzor Bhutia, S/o Mr. Top Tshering Bhutia, R/o Yangyang, South Sikkim presently residing at Marchak, Ranipool, East Sikkim returnable in two weeks hence.

The Investigating Officer is also directed to serve a copy of the notice issued to Mr. Sonam Palzor Bhutia.

List on 25.06.2018.

Judge

22-05-2018