

IN THE HIGH COURT OF SIKKIM
CRIMINAL EXTRA ORDINARY JURISDICTION

W. P. (Crl.) No.

02

OF 2016

Mr. Harka Bahadur Subba,
S/o Late Kul Bahadur Subba,
R/o Upper Namin,
P. O. & P. S. Ranipool,
East Sikkim.

----- Petitioner.

-VERSUS-

1. Nirmal Chaya,
N.G.O, Tihar Jail Complex,
Tihar Jail, New Delhi.

2. State of Sikkim,
The Director General of Police,
Government of Sikkim.

3. State (NCT of Delhi),
New Secretariat, I. P. Estate, New Delhi,
Through Commissioner of Police,
Delhi Police Headquarter,
I. P. Estate, Delhi.

----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. Joginder Tuli, Ms. Rachhitta Rai and
Ms. Sushila Thapa.

RESPONDENT

ADVOCATE (S)

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

W.P. (Crl.) No. 02/2016
Harka Bdr. Subba vs. Nirmal Chaya, NGO & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

04. 04.11.16 Present: Mr. Joginder Tuli, Advocate for the Petitioner.

Mr. J.B. Pradhan, Public Prosecutor with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for Respondent No. 2.

...

Mr. Tuli, learned counsel appearing for the petitioner, submits that the police have already filed the charge-sheet against the alleged accused for confining a minor girl and forcing her to indulge into other illegal affairs.

Let the prosecution complete the trial and to take it to its logical conclusion. As stated on the earlier occasion, the father of the minor girl is not in a position to take care of his daughter. In such view of the matter, the Secretary, Social Justice Empowerment & Welfare Department, Government of Sikkim, is directed to examine the issue and find out whether some assistance can be extended for the purpose of her education as well as rehabilitation in the society and submit a report accordingly.

In the meantime, it is proper that if a committed Advocate of this Court is appointed as '*Amicus Curiae*' to verify problems of the said minor girl and submit a report or suggestions for the welfare of the minor girl.

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Accordingly, Ms. (Dr.) Doma T. Bhutia is appointed as '*Amicus Curiae*' to assist the Court. The minor girl shall continue to be kept at 'Mamtalaya' under the supervision of the Child Welfare Committee, as directed earlier.

Call on 09.12.2016.


Chief Justice
04.11.2016

jk/to **Index : Yes / No**
 Internet : Yes / No