

WP(Crl.) No.02 of 2016

Harka Bahadur Subba vs. Nirmal Chaya, N.G.O. and Others

BEFORE

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

12. 14-07-2017 Present : Mr. Joginder Tuli, Advocate for the Petitioner.

Dr. (Mrs.) Doma T. Bhutia, Advocate as Amicus Curiae.

Mrs. Pollin Rai, Assistant Government Advocate for the State-Respondent No.2.

Ms. Chumsang Bhutia, Protection Officer, Social Justice, Empowerment & Welfare Department, Government of Sikkim, in person.

It is submitted by Assistant Government Advocate for the State-Respondent that she was unable to file a Consolidated Report as undertaken on the last date, as the requisite details from the Social Justice, Empowerment & Welfare Department, Government of Sikkim, Gangtok, were handed over to her only on 10-07-2017.

It has to be noted that, in terms of the undertaking of the Learned Assistant Government Advocate to file a Consolidated Report within two weeks, the date was accordingly fixed for today.

However, neither has a Consolidated Report been filed as undertaken, nor has the State-Respondents complied with the provisions of Rule 143 of the Sikkim High Court (Practice and Procedure) Rules, 2011. That apart, the Counsel for the Petitioner is from Delhi and could have been spared the to and fro journey, had he been afforded advance Notice by the State-Respondent of its inability to take steps.

In view of the non-compliance of the Rules and the above shortcoming of the State-Respondent, I deem it, but fair, to direct the Social Justice, Empowerment & Welfare Department,

Government of Sikkim, to bear the costs of the to and fro journey of Learned Counsel for the Petitioner to Gangtok, by air by economy class.

Let the payment be made and the Report/Bills be submitted by the concerned Department before this Court by the next date.

The Consolidated Report, including a Report, as to whether the child was taken to meet her parent, be filed by the State-Respondents by the next date.

List on 10-08-2017, as found convenient by the parties.

Judge
14-07-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~