



IN THE HIGH COURT OF SIKKIM



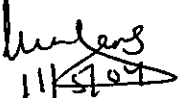
ORDER SHEET

..... Writ Petition(CRL) No¹ of 200⁴

..... Karma Tshering Bhutia Petitioner / Appellant

Versus

..... State of Sikkim Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	12.5.2004	<p>Shri Tashi Norbu Basi undertakes to file Vakalatnama on behalf of the petitioner. Learned Advocate General submits that a case has been registered under section 325 IPC against the petitioner and investigation is going on.</p> <p>Since allegations have been made against Sonam Chettri, Sub-Inspector under Sadar Police Station who is present in Court is directed to file an affidavit in the case.</p> <p>Put up this case on 19.5.2004 for admission.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	<p>Registered, as Writ petition(Crl), as per the order dated 11/05/2004 on the body of the Petition.</p> <p style="text-align: right;">  11/5/04 </p>
2.	19.5.2004	<p>Heard Shri Tashi Norbu Basi, learned counsel for the petitioner and Shri S. P. Wangdi, learned Advocate General for the respondent.</p> <p>At the outset it may be noted that in the order dated 12.5.2004, a typographical error has crept in, inasmuch as, no case has been registered against the petitioner under section 325 IPC.</p> <p>Sonam Chettri, Sub-Inspector, Indian Reserve Battalion against whom allegations have been made by the petitioner, has filed an affidavit wherein he has denied all the allegations made against him. According to the deponent (Sonam Chettri), on</p>	



Sl. No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
------------------	---------------	----------------------	--

8.5.2004 at about 11.30 p.m, a person (complainant) was found using un-parliamentary language at Tadong out post thereby disturbing the peaceful atmosphere in the locality. As the deponent has been staying in the portion of the building where the out post is being housed, came and found that he was under the influence of liquor and blood was oozing from his lower lip. The complainant seems to have met with an accident at Convoy Ground and had got his lower lip injured. In view of such injury, he was sent to hospital for treatment. In the morning of 9.5.2004, the complainant was released from custody on his furnishing surety bail bond.

On the basis of the complaint filed by the complainant, Sadar P.S. Case No.59(5)04 has been registered against the deponent (Sonam Chettri) u/s 326 IPC. Investigation is in progress. He has also been withdrawn to Indian Reserve Battalion Force so that investigation against him would be fair and impartial.

In view of what has been stated above, since a case has already been registered against Sonam Chettri, Sub-Inspector, on the basis of the written complaint of the complainant and investigation being in progress, we do not find any point in keeping this writ petition pending.

Investigation of the aforesaid case may however be completed as expeditiously as possible according to law.

The writ petition is accordingly disposed of with the above observations.

N. S. Singh
(N. S. Singh)
Judge

R. K. Patra
(R. K. Patra)
Chief Justice

*Corrected vide,
Sl.No.1 Order
dt.24.5.2004.

N. S. Singh