

# HIGH COURT OF SIKKIM



## NEWSLETTER

Vol. 14, Issue No. 2

April to June, 2019



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Hon'ble Mr. Justice Vijai Kumar Bist, Chief Justice,  
High Court of Sikkim/Patron-in-Chief

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A quarterly Newsletter published by High Court of Sikkim, Gangtok  
Also available on our website: [www.highcourtofsikkim.nic.in](http://www.highcourtofsikkim.nic.in)

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**VACANCIES IN COURTS**

(i) Vacancies in the High Court of Sikkim as on 30.06.2019

Sl. No.	Sanctioned Strength	Working Strength	Vacancies
1.	03	03	NIL

(ii) Vacancies in the District &amp; Subordinate Courts as on 30.06.2019

Sl. No.	Sanctioned Strength	Working Strength	Vacancies
1.	Sikkim Superior Judicial Service (SSJS) - 13	10	03 <ul style="list-style-type: none"> <li>• Central Project Coordinator, e-Courts.</li> <li>• 01 post in the cadre of SSJS created (in compliance to the direction passed by the Hon'ble Supreme Court in Brij Mohan Lal Vs. Union of India).</li> <li>• District and Sessions Judge (Spl. Div-I).</li> </ul>
2.	Sikkim Judicial Service (SJS) - 12	09	03 <ul style="list-style-type: none"> <li>• Chief Judicial Magistrate -cum-Civil Judge (North) at Mangan.</li> <li>• Civil Judge -cum-Judicial Magistrate, Rangpo Sub-Division, East Sikkim.</li> <li>• Civil Judge -cum-Judicial Magistrate, Jorethang Sub-Division, South Sikkim.</li> </ul>
<b>Total</b>	<b>25</b>	<b>19</b>	<b>06</b>

**INSTITUTION, DISPOSAL & PENDENCY OF CASES**

(1) Statement of Main &amp; Misc. Cases in the High Court of Sikkim from 01.04.2019 to 30.06.2019.

Sl. No.	Pending as on 01.04.2019	Institution	Disposal	Pending as on 30.06.2019
	Main Cases	Main Cases	Main Cases	Main Cases
1.	267	63	57	273

**(2) Total Institution, Disposal & Pendency of cases in the Subordinate Courts of Sikkim from 01.04.2019 to 30.06.2019.**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
East District at Gangtok	Main cases	217	88	82	223	599	147	194	552
	Misc. cases	70	90	75	85	19	220	210	29
West District at Gyalshing	Main cases	14	09	06	17	39	28	25	42
	Misc. cases	12	13	14	11	00	32	30	02
North District at Mangan	Main cases	04	02	00	06	16	03	05	14
	Misc. cases	01	03	03	01	01	09	10	00
South District at Namchi	Main cases	40	32	29	43	113	119	95	137
	Misc. cases	19	71	25	65	11	165	166	10
Family Courts	Main cases	93	50	54	89	25	25	23	27
	Misc. cases	01	02	00	03	09	12	07	14
Fast Track Courts	Main cases	-	-	-	-	11	01	04	08
	Misc. cases	-	-	-	-	00	01	01	00
Juvenile Justice Boards	Main cases	-	-	-	-	09	08	07	10
	Misc. cases	-	-	-	-	00	05	05	00
Total Main Cases		368	181	171	378	812	331	353	790
Total Misc. Cases		103	179	117	165	40	444	429	55

# INSTITUTION, DISPOSAL AND PENDENCY OF CASES DISTRICT WISE

(1) Total Institution, Disposal and Pendency of cases in the Subordinate Courts of Sikkim from 01.04.2019 to 30.06.2019

## (i) East District at Gangtok.

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
District & Sessions Judge (East)	Main cases	131	31	60	102	271	27	39	259
	Misc. cases	41	60	65	36	14	131	137	08
District & Sessions Judge (Spl. Div.-I)	Main cases	14	20	05	29	02	12	01	13
	Misc. cases	02	09	01	10	00	01	01	00
District & Sessions Judge (Spl. Div.-II)	Main cases	05	18	02	21	03	12	02	13
	Misc. cases	10	14	05	19	00	00	00	00
Chief Judicial Magistrate-cum- Civil Judge (East)	Main cases	05	03	02	06	155	67	73	149
	Misc. cases	01	01	02	00	01	30	20	11
Civil Judge-cum- Judicial Magistrate (East)	Main cases	43	16	09	50	97	26	37	86
	Misc. cases	13	06	02	17	03	57	51	09
Civil Judge-cum- Judicial Magistrate Chungthang Sub-division stationed at Gangtok (East)	Main cases	15	00	03	12	42	00	33	09
	Misc. cases	01	00	00	01	01	00	00	01
Civil Judge-cum-Judicial Magistrate Rangpo Sub-division, East Sikkim	Main cases	04	00	01	03	19	02	07	14
	Misc. cases	02	00	00	02	00	01	01	00
Civil Judge-cum-Judicial Magistrate Rongli Sub-division, East Sikkim	Main cases	00	00	00	00	10	01	02	09
	Misc. cases	00	00	00	00	00	00	00	00
Total Main Cases		217	88	82	223	599	147	194	552
Total Misc. Cases		70	90	75	85	19	220	210	29

**(ii) West District at Gyalshing**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
District & Sessions Judge (West)	Main cases	07	05	01	11	28	11	10	29
	Misc. cases	11	13	13	11	00	20	19	01
Chief Judicial Magistrate-cum-Civil Judge (West)	Main cases	00	01	01	00	01	05	04	02
	Misc. cases	00	00	00	00	00	00	00	00
Civil Judge-cum-Judicial Magistrate (West)	Main cases	04	02	04	02	00	01	00	01
	Misc. cases	00	00	00	00	00	07	06	01
Civil Judge-cum-Judicial Magistrate, Soreng Subdivision, West Sikkim	Main cases	03	01	00	04	10	11	11	10
	Misc. cases	01	00	01	00	00	05	05	00
Total Main Cases		14	09	06	17	39	28	25	42
Total Misc. Cases		12	13	14	11	00	32	30	02

**(iii) North District at Mangan**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
District & Sessions Judge (North)	Main cases	04	02	00	06	04	01	02	03
	Misc. cases	01	03	03	01	00	00	00	00
Chief Judicial Magistrate-cum-Civil Judge (North)	Main cases	00	00	00	00	03	01	02	02
	Misc. cases	00	00	00	00	01	03	04	00
Civil Judge-cum-Judicial Magistrate (North)	Main cases	00	00	00	00	03	00	00	03
	Misc. cases	00	00	00	00	00	05	05	00
Civil Judge-cum-Judicial Magistrate, Chungthang Sub Division, North Sikkim	Main cases	00	00	00	00	06	01	01	06
	Misc. cases	00	00	00	00	00	01	01	00
Total Main Cases		04	02	00	06	16	03	05	14
Total Misc. Cases		01	03	03	01	01	09	10	00

**(iv) South District at Namchi**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
District & Sessions Judge (South)	Main cases	26	10	08	28	88	20	27	81
	Misc. cases	13	65	19	59	02	33	32	03
Chief Judicial Magistrate-cum- Civil Judge (South)	Main cases	01	00	01	00	05	67	53	19
	Misc. cases	00	00	00	00	00	79	77	02
Civil Judge-cum- Judicial Magistrate (South)	Main cases	04	12	12	04	02	13	06	09
	Misc. cases	00	04	04	00	00	25	25	00
Civil Judge-cum-Judicial Magistrate, Jorethang Sub Division (South)	Main cases	02	02	02	02	12	11	07	16
	Misc. cases	00	02	00	02	05	14	18	01
Civil Judge-cum-Judicial Magistrate, Yangang Sub Division (South)	Main cases	07	08	06	09	06	08	02	12
	Misc. cases	06	00	02	04	04	14	14	04
<b>Total Main Cases</b>		<b>40</b>	<b>32</b>	<b>29</b>	<b>43</b>	<b>113</b>	<b>119</b>	<b>95</b>	<b>137</b>
<b>Total Misc. Cases</b>		<b>19</b>	<b>71</b>	<b>25</b>	<b>65</b>	<b>11</b>	<b>165</b>	<b>166</b>	<b>10</b>

**(v) Family Courts**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019	Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
Family Court, East at Gangtok	Main cases	66	27	41	52	13	13	11	15
	Misc. cases	01	01	00	02	02	04	03	03
Family Court West at Gyalshing	Main cases	06	08	02	12	03	02	03	02
	Misc. cases	00	00	00	00	00	00	00	00
Family Court North at Mangan	Main cases	00	00	00	00	00	01	00	01
	Misc. cases	00	00	00	00	00	00	00	00
Family Court South at Namchi	Main cases	21	15	11	25	09	09	09	09
	Misc. cases	00	01	00	01	07	08	04	11
<b>Total Main Cases</b>		<b>93</b>	<b>50</b>	<b>54</b>	<b>89</b>	<b>25</b>	<b>25</b>	<b>23</b>	<b>27</b>
<b>Total Misc. Cases</b>		<b>01</b>	<b>02</b>	<b>00</b>	<b>03</b>	<b>09</b>	<b>12</b>	<b>07</b>	<b>14</b>

**(vi) Fast Track Court**

NAME OF THE COURT		CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
Fast Track Court (East & North) at Gangtok	Main cases	09	00	02	07
	Misc. cases	00	01	01	00
Fast Track Court (South & West) at Gyalshing	Main cases	02	01	02	01
	Misc. cases	00	00	00	00
<b>Total Main Cases</b>		11	01	04	08
<b>Total Misc. Cases</b>		00	01	01	00

**(vii) Juvenile Justice Boards**

NAME OF THE COURTS		CRIMINAL CASES			
		Opening balance as on 01.04.2019	Institution from 01.04.2019 to 30.06.2019	Disposal from 01.04.2019 to 30.06.2019	Pendency at the end of 30.06.2019
Juvenile Justice Board East, at Gangtok	Main cases	08	02	05	05
	Misc. cases	00	03	03	00
Juvenile Justice Board West, at Gyalshing	Main cases	01	00	01	00
	Misc. cases	00	00	00	00
Juvenile Justice Board North, at Mangan	Main cases	00	01	00	01
	Misc. cases	00	01	01	00
Juvenile Justice Board South, at Namchi	Main cases	00	05	01	04
	Misc. cases	00	01	01	00
<b>Total Main Cases</b>		09	08	07	10
<b>Total Misc. Cases</b>		00	05	05	00



**SOME RECENT JUDGMENTS OF HIGH COURT OF SIKKIM**  
**FROM (01.04.2019 to 30.06.2019)**

1.

**Krishna Bahadur Chettri**

**v.**

**State of Sikkim**

Crl. A. No. 32 of 2018  
2019 SCC OnLine Sikk 22  
Decided on: 1<sup>st</sup> April 2019

A. Protection of Children from Sexual Offences Act, 2012 – S. 9 (m) – Aggravated Sexual Assault – Whoever commits sexual assault on a child below 12 years is said to have committed aggravated sexual assault – The crucial question is whether forcibly kissing the minor victim, a girl child of 11 years of age and hugging her amounts to “aggravated sexual assault” as defined in S. 9(m) – Sexual assault is defined in S. 7 – Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault. The act of forcibly kissing the minor victim, a child below 12 years of age and hugging her in the back seat of a car in the absence of her guardian by a 27 year old male cannot but be with sexual intent. The act of forcibly kissing and hugging involves physical contact although without penetration. Thus it is cogent that the said act amounts to sexual assault. As the sexual assault was committed on a child below 12 years of age it amounts to aggravated sexual assault.

2.

**Ashis Asawa and Another**

**v.**

**Kalyani Sarda and Another**

Crl. M.C. No. 01 of 2018  
2019 SCC OnLine Sikk 35  
Decided on: 2<sup>nd</sup> April 2019

A. Code of Criminal Procedure, 1973 – S. 482 – Offence under Section 498A of the I.P.C is not a compoundable offence – Whether this Court in exercise of its power under S. 482 can quash a criminal proceeding in a non-compoundable offence – Petitioner No. 1 and Respondent No. 1 (husband and wife) first arrived at a compromise and a deed of compromise was drawn by them. As per the compromise, they filed a Divorce Petition under Section 13 (B) of Hindu Marriage Act and obtained a decree of divorce. They are living separately and Respondent No. 1, after her remarriage is living with her husband at Cuttack – Considering all these facts, if the trial is permitted to proceed against the petitioners, the ultimate fate of trial shall result in acquittal – No useful purpose shall be

served if the trial is permitted to proceed further. By permitting the trial to proceed further, the ends of justice shall not be achieved and same will be a futile exercise. In such situation, continuation of the criminal proceeding would tantamount to abuse of process of law – Consequently, proceedings quashed.

3.

**State of Sikkim**

**v.**

**Jasbir Singh**

Crl. Rev. P. No. 02 of 2017

2019 SCC OnLine Sikk 23

Decided on: 6<sup>th</sup> April 2019

A. Army Act, 1950 – Ss. 69 and 70 – If civil offences are committed by a person subject to the Army Act at any place in or beyond India but deemed to be offences committed under the Act, when such a person is charged under S. 69 of the Act, it is triable by Court-Martial. So far as S. 70 is concerned, when a person subject to the Army Act commits an offence of murder and culpable homicide not amounting to murder or rape, against a person not subject to the military law, subject to a few exceptions they are not triable by Court-Martial but are triable only by ordinary Criminal Courts – S. 70 therefore deals specifically with offences committed by a person subject to the Army Act against a person not subject to Army Act. The exceptions to S. 70 however provides that if the offence is committed while the accused is in active service or at any place outside India, or at a frontier post specified by the Central Government, in such circumstances he shall be tried by Court-Martial.

B. Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1978 – Rules 3, 4 and 5 – Rule 3 provides for steps to be initiated by a Magistrate when a person subject to military, naval or air force or any other law relating to the Armed Forces is brought before him and charged with an offence for which he is also liable to be tried by a Court-Martial. The Rule enjoins upon the Magistrate not to proceed to try such person or even to commit the case to the Court of Sessions unless he is moved thereto by a competent military, naval or air force authority or if the Magistrate is of the opinion that he should proceed or commit the case without being moved by such authority, he is to record reasons for his action – If the Magistrate decides to proceed under Rule 3(b), Rule 4 lays down that before taking such steps the Magistrate shall give a written notice to the concerned authority of the accused and stay his hands until the expiry of fifteen days from the date of service of notice – Till the expiry of fifteen days, the Magistrate is not to convict or acquit the accused, frame charge against the accused, commit the accused for trial to the Court of Sessions or make over the case for inquiry or trial. Rule 5 lays down that where the competent authority pertaining to the accused takes steps before the Magistrate under clause (a) of Rule 3 and subsequently gives notice to the Magistrate that

such officer or authority is of the opinion that the accused should be tried by Court-Martial, the Magistrate if he has not taken action or made any order referred to in clause (a), (b), (c) or (d) of Rule 4, before receiving the notice, shall stay the proceedings. If the accused is under the control of the Magistrate, the Magistrate shall then deliver him together with the statement of offence of which he is accused.

C. Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1978 – Photocopy of the “Minute Sheet” produced before this Court rather belatedly where the GOC has allegedly accepted the recommendation put forth by one '(Jiten Joshi), Lt. Col., Offg Col A' that “murder case be tried by the civ Court (sic) under relevant Section of the IPC & CrPC” – This document was never furnished before the Learned Trial Court – It is only a photocopy of the document, apparently not a certified copy and not even admissible in terms of the Indian Evidence Act, 1872 thus beyond the scope of consideration. Even if this document was to be considered, there is no proof that any letter pursuant to the alleged recommendation was dispatched to the Magistrate expressing the opinion of the concerned Army authority – Luculent that the prescribed procedure as elucidated in the Cr.P.C. and the Rules were not adhered to by the Learned Magistrate – Settled law that where the statute mandates a procedure no discretion is left with the Court but to draw the statutory conclusion.

4.

**Shri Nar Bahadur Subba**

**v.**

**Shri Dhan Bahadur Rai and Another**

CRP No. 01 of 2018

2019 SCC OnLine Sikk 25

Decided on: 8<sup>th</sup> April 2019

A. Code of Civil Procedure, 1908 – Order VII Rule 11 – Rejection of Complaint – The language of Rule 11 of the CPC, 1908 is clear and unequivocal once the Court finds that the case falls under one or more of the categories specified therein, it has no power to entertain the suit and the complaint has to be rejected.

B. Code of Civil Procedure, 1908 – Order VIII Rule 6A – Counter Claim by Defendant – A Counter Claim has to be treated as a complaint and is governed by Rules applicable to complaints – Counter Claim shall have the same effect as a cross suit to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the Counter Claim – Counter Claim is substantially a cross-action not merely a defence to the Plaintiff's claim however it must be of such a nature that the Court would have jurisdiction to entertain it as a separate action.

5.

**The Branch Manager, Reliance  
General Insurance Co. Ltd**

v.

**Sa-Ngor Chotshog Centre and Another**

MAC App. No. 01 of 2018

2019 SCC OnLine Sikk 31

Decided on: 10<sup>th</sup> April 2019

A. Motor Accidents Claims – Standard of Proof – In a criminal trial the matter is to be proved beyond a reasonable doubt, however this is not the standard required while considering a matter before the Motor Accidents Claims Tribunal – It is a settled position of law that a conviction recorded by a Criminal Court is enough to hold that the driver had driven the vehicle rashly and negligently but his acquittal on the other hand would be no ground to dismiss the claim petition.

6.

**State of Sikkim**

v.

**Kamal Subba**

Crl. A. No. 16 of 2018

2019 SCC OnLine Sikk

Decided on: 10<sup>th</sup> April 2019

A. Code of Criminal procedure, 1973 – S. 164 – Evidence under Section 164 Cr.P.C. is not substantial evidence, it can only be used for the purposes of corroboration.

B. Indian Evidence Act, 1872 – S. 106 – Burden of Proving Fact Especially Within Knowledge – This provision is not intended to relieve any person of the duty or burden cast on them under S. 101 of the Evidence Act. S. 106 cannot be used to shift the onus. This Section applies only when the defence of the accused depends on his proving the fact established within his knowledge and of nobody else. The Prosecution has to prove its case beyond a reasonable doubt before they can take shelter under the provisions of S. 106.

7.

**M/s. Kripa Indane and Others**

v.

**The Chief Secretary, Government of Sikkim and Others**

W.P (C) No. 37 of 2018

2019 SCC OnLine Sikk 30

Decided on: 15<sup>th</sup> April 2019

A. Constitution of India – Article 226 – It is now well-settled that every executive action which operates to the prejudice of any person must have the sanction of law. Although Article 14 of the

Constitution of India does not guarantee identical treatment it envisages similarity of treatment. There cannot be distinction between persons who are substantially in similar circumstances.

B. The Government of Sikkim (Allocation of Business) Rules, 1994 – – Rules XIII and XXXI – Allocation of Business to Various Departments of the Government – Respondent No.7 controls essential commodities as delineated in the Schedule to Section 2A of the Essential Commodities Act, 1955, of which indubitably LPG forms a part – On the other hand, the Respondent No.2 is in-charge of controlling and transporting of all goods on the nationalized routes within the State and also to and from outside the State under Inter-State Agreement – Respondent No.7 is to procure distribute and fix prices for essential commodities. Distribution is done by the Respondent No.7 by way of public distribution system approved by the State Government. Evidently, the SNT is only to ensure control and transportation of goods it does not deal with either the procurement or distribution which is within the ambit of the Respondent No.7.

C. Constitution of India – Article 226 – Distribution of State largesse should not be marred by any arbitrariness and public interest should be paramount in the matter of award of contracts. All participants in a tender process should be treated alike and similarly circumstanced individuals cannot be treated as pariahs, apart from which larger participation will invite more attractive bids.

8.

**Shri Jangpu Sherpa@ Jampu Sherpa**

**v.**

**Smt. Phurba Lhamu Sherpa**

W.P (C) No. 01 of 2018

2019 SCC OnLine Sikk 39

Decided on: 16<sup>th</sup> April 2019

A. Sikkim Record Writing and Attestation Rules, 1988 – The *Kotha Purnu* or *Dru Deb* and Attestation Rules, 1951 repealed by the Sikkim Record Writing and Attestation Rules, 1988 which came into force on 09.09.1988 – Made in exercise of the powers conferred by S. 36 (2) (1), (j) and (m) of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977.

B. Sikkim Record Writing and Attestation Rules, 1988 – Respondent No.2 after taking cognizance of the complaint seem to have taken evidence and thereafter come to the conclusion that the said plots had in fact been gifted to Respondent No.1 by one Norbu Sherpa – Respondent No.2 has recorded in the order that Respondent No.1 was entitled to correction in the record of rights of the said plots as it was wrongly mutated in the name of the Petitioner – Respondent No.2 has neither adverted to the said Rules nor drawn power from it or from any other law while passing the order dated 14.05.2015 – Respondent No.2 has acted as a Court and passed orders as a Court. The records,

however, reveal that Respondent No.2 was totally unaware of the source of his power. If the Respondent No.2 was aware of the said rules he ought to have known the limitations prescribed therein and followed the prescribed procedure, if applicable – Impugned order and notice set aside.

C. Transfer of Property Act, 1882 – S. 25 (1) – Sikkim Record Writing and Attestation Rules, 1988 – Rule 5 – Transfer of property is regulated by the Transfer of Property Act, 1882 which is enforced and applicable in Sikkim. The preparation of the record of rights is mainly for the purpose of ascertaining the ownership of the agricultural lands and quantum of revenue payable by the owner for the purposes of the said Act. S. 25 (1) of the said Act provides that every person shall be liable to pay revenue to the State Government for the lands allowed to be retained by him within the ceiling limit – While preparing the “*khasra*” under Rule 5 of the said Rules the surveyor is required to establish the ownership of the claimant. It is only after establishing the ownership that the surveyor shall cause entry in the relevant column of the “*khasra*”. For the limited purpose, the surveyor can examine the issue of ownership – The finding of the surveyor or the other authorities under the said rules regarding the ownership of the agricultural land for the purpose of preparation of the “*khasra*” however, cannot be considered the final determination of title of immovable property. For the determination of title of immovable property, the parties must approach the Civil Court of appropriate jurisdiction.

9.

**Golden Tobacco**  
**v.**  
**Sikkim Tobacco Limited**

CRP No. 09 of 2017  
2019 SCC OnLine Sikk 41  
Decided on: 23<sup>rd</sup> April 2019

A. Code of Civil Procedure, 1908 – S. 115 – Civil Revisional Jurisdiction – The prayers of the D.H. in I.A. No. 4 of 2008 were dismissed by the Order of the Hon'ble Supreme Court dated 02.02.2010 in Transfer Case (Civil) Nos. 12-14 of 1985. In the face of the specific decision of the Hon'ble Supreme Court, the D.H. cannot re-agitate the matter before the learned Trial Court and proceed to approach this Court in revision seeking valuation of the machines by technically qualified persons.

B. Code of Civil Procedure, 1908 – Order XXI – Attachment – The argument that the *Nazir* had not taken possession of the machines is incongruous as the *Nazir* could not have moved the machines and brought it along with him. It is sufficient that he complied with the procedure prescribed.

10.

**The Branch Manager, Shriram General  
Insurance Co. Ltd**

v.

**Suk Dhoj Basnett and Others**

I.A No. 01 of 2018

in

MAC App. No. 11 of 2018

2019 SCC OnLine Sikk 42

Decided on: 26<sup>th</sup> April 2019

A. Motor Vehicles Act, 1988 – S. 173 (1) – Condonation of Delay – It is clear from the second proviso that the High Court may entertain the Appeal after expiry of the period of ninety days if it is satisfied that the Appellant was prevented by “sufficient cause” from preferring the Appeal in time. Thus, the Appellant is required to prove “sufficient cause” for the delay – When delay is occasioned at the behest of the Government, it would be difficult to explain the delay on a day-to-day basis as transaction of business in the Government is done leisurely by Officers who evince no personal interest at different levels – It is true that adoption of strict standards of proof leads to grave miscarriage of public justice and the approach of the Court thus should be pragmatic but not pedantic. It is also true that the expression “sufficient cause” should be considered with pragmatism in a justice-oriented approach rather than technical detection of sufficient cause for explaining every day's delay – Apparent that the Appellant has grossly failed to put forth even a semblance of the grounds which could tantamount to “sufficient cause” for condonation of delay. Merely pressing the argument that it is a Government Company and stating that the File went from one Office to the next without a semblance of an explanation does not suffice to explain the delay. The grounds are completely bereft of any bona fides and reeks of a completely lackadaisical and negligent attitude besides reflecting a cavalier attitude to the circumstance of the Respondents.

B. Motor Vehicles Act, 1988 – Beneficent Legislation – Object – The Respondents have lost an earning member of their family thereby cutting into their income and means of livelihood. The object of the Act has to be afforded due consideration, which in the instant matter appears to be lacking on the part of the Appellant.

11.

**The Branch Manager, Shriram  
General Insurance Insurance Co. Ltd**

v.

**Mrs. Krishna Kumari Limboo and Others**

MAC App. No. 03 of 2017

2019 SCC OnLine Sikk 43

Decided on: 26<sup>th</sup> April 2019

A. Motor Vehicles Act, 1988 – Income of the Deceased – Determination – The evidence of Respondent No. 1 that the deceased was working as an Accountant of a Government Contractor

Class IA and earning a monthly income of Rs. 20,000/- was not demolished in cross-examination. Exhibit 12, the original Salary Certificate furnished before the Tribunal. The employer of the deceased has also substantiated the evidence and his cross-examination does not demolish the fact of income of the deceased as Rs. 20,000/- per month. No document on record to contradict the evidence of the income of the deceased. In view of the evidence on record, the income of the deceased is accepted as Rs. 20,000/- per month.

Motor Accidents Claims – Future Prospects – Computation – Where the deceased was on a fixed salary and below the age of 40 years, an addition of 40% of the established income should be made towards future prospects – *Re. Pranay Sethi's case*.

12.

**The Branch Manager, National Insurance Co. Ltd**

**v.**

**Mrs. Kavita Rai and Others**

MAC App. No. 04 of 2017

2019 SCC OnLine Sikk 44

Decided on: 26<sup>th</sup> April 2019

A. Motor Vehicles Act, 1988 – Income of the Deceased – Determination – Income Certificate of the deceased (Exhibit 14) was issued by the Block Development Officer – Block Development Officer is indeed the concerned authority at the Block Administrative Level to issue such a Certificate. In the absence of any document to the contrary, Exhibit 14 is accepted as the correct information pertaining to the income of the deceased.

B. Motor Accidents Claims – Future Prospects – Computation – Where the deceased was on a fixed income and below the age of 40 years, an addition of 40% of the established income should be made towards future prospects – *Re. Pranay Sethi's case*.

13.

**Shri Furden Tshering Bhutia and Others**

**v.**

**Smt. Payzee Bhutia (Sherpa) and Others**

R.S.A No. 01 of 2016

2019 SCC OnLine Sikk 62

Decided on: 7<sup>th</sup> May 2019

A. Code of Civil Procedure, 1908 – S. 89 – Mediation – It is said that mediation is as ancient as human civilization. It is not without any reason that this innovation survives and thrives even today. A dispute which had not been able to be fully resolved through the process of adversarial litigation in Court for 15 long years has been amicably settled through the efforts of the learned Counsels and the Mediator who has facilitated the parties to reach a common agreement – The Appellants as well



as the private Respondents have realized that it is better to bury their differences and live peacefully than to litigate in this manner for such a prolonged period without any complete resolution.

14.

**Shiva Kala Subba**

**v.**

**State of Sikkim**

Crl. A. No. 12 of 2017  
2019 SCC OnLine Sikk 51  
Decided on: 8<sup>th</sup> May 2019

A. Protection of Children from Sexual Offences Act, 2012 – Ss. 5 and 6 – Aggravated Penetrative Sexual Assault – Offence of sexual assault is committed when the parts of the body enumerated in the definition are touched by an accused with “sexual intent” – The Act becomes culpable when it is established that there was a sexual intent or *mens rea* for the accused to commit a sexual offence – Nothing emanates in the evidence of the victim or the other witnesses to establish the state of mind of the Appellant when the acts of physical violence were perpetrated by her on the victim and whether the acts were inflicted with sexual intent.

B. Protection of Children from Sexual Offences Act, 2012 – Evidence – It is trite to reiterate that the Prosecution is required to prove its case beyond a reasonable doubt and cannot leave room for assumptions or doubts. If these exist then the benefit is to be extended to the accused. The Prosecution by way of cogent and unwavering evidence is required to establish that the Appellant had a culpable mind and *mens rea* when committing the Act.

15.

**The Branch Manager, Reliance  
General Insurance Co. Ltd**

**v.**

**Jarun Maya Rai and Others**

I.A. No. 01 of 2018 in MAC App. No. 05 of 2018  
2019 SCC OnLine Sikk 53  
Decided on: 8<sup>th</sup> May 2019

A. Motor Vehicles Act, 1988 – S. 173 (2) – Condonation of Delay – The grounds given for the delay are nothing short of pathetic since all that emerges therein besides the above anomalies is that the File went from Gangtok to Kolkata and back. The Appellant has exhibited a lackadaisical attitude while filing the Petition and dealt with it not only in a routine manner, but by harbouring the notion that the Courts are without doubt to adjudicate for justice dispensation and thereby perforce to condone the delay.

16.

**State of Sikkim**  
**v.**  
**Girjaman Rai @ Kami and Others**  
Crl. A. No. 36 of 2018  
2019 SCC OnLine Sikk 50  
Decided on: 9<sup>th</sup> May 2019

A. Protection of Children from Sexual Offences Act, 2012 – Determination of the Victim's Age – Date of birth is a question of fact which must be cogently proved by leading evidence. The allegation of sexual assault coupled with the proof of minority of the victim drags an accused to the rigours of the POCSO Act, 2012 which mandates a reverse burden of proof – Absolutely vital to prove the minority of the victim. The “best evidence rule” must be necessarily followed while proving the contents of a birth certificate – Aim of the Court of facts is to come to a firm conclusion about the minority of the victim. Like all other facts in issue, determination of the age of the victim must necessarily be proved by cogent evidence needed in a criminal trial. The POCSO Act, 2012 does not diminish or dilute the Indian Evidence Act, 1872.

B. Registration of Births and Deaths Act, 1969 – Birth Certificate – The birth certificate is a certificate issued under the 1969 Act. The Registrar of Births and Deaths appointed under the 1969 Act is required to enter information of the birth given to him either orally or otherwise in the register maintained. The informant who gives the information of the birth of a child is required to be provided free of charge an extract of the prescribed particulars under his hand from the register relating to such birth. The name of the informant is also to be recorded in the register maintained under the 1969 Act. Proved by its signatory i.e. the maker, the birth certificate would stand proved. The maker of the birth certificate would be able to depose about the contents of the birth certificate based on the information recorded in the register maintained under the 1969 Act. If the register is therefore, produced and proved it would prove the authenticity of what is recorded in the birth certificate. This would prove that the contents of the birth certificate are the extract of the contents of the register maintained under the 1969 Act. The contents of the register, however, are entered from the information provided by the informant as required under the 1969 Act. The truth about the contents of the information recorded in the register however, is yet another matter. Usually the informant would be the parents or either of them – The birth certificate issued under the 1969 Act is therefore an extract of the entries made in the register issued under Ss. 12 or 17 of the 1969 Act.

C. Indian Evidence Act, 1872 – S. 74 – Public Documents – Birth certificate is a public document – As per S. 77 of the Indian Evidence Act, 1872 certified copies of a public document may be produced in proof of its contents – Mere production of a birth certificate without even authenticating the same by proving it through its maker is however, not enough to prove the age of the victim. The age of the victim must be proved by leading clinching evidence. The cogency of the evidence led would ultimately help the Court in determining the age of the victim.

17.

**Shri Chingtop Bhutia****v.****Shri Ran Bahadur Chettri and Others**

CRP No. 06 of 2018

2019 SCC OnLine Sikk 49

Decided on: 10<sup>th</sup> May 2019

A. Code of Civil Procedure, 1908 – Order VII Rule 11 – Rejection of Complaint – It is clear that where the complaint does not disclose a cause of action, the relief claimed is undervalued, and not corrected within the time allowed by the Court, insufficiently stamped and not rectified within the time given by the Court, barred by any law, failed to enclose the required copies and failed to comply with the provisions of Rule 9, the Court shall reject the complaint – In such situation the Court has no other option except to reject the complaint. The power of the Court under Order VII Rule 11 of the Code can be exercised at any stage of the suit either before registering the complaint or after the issuance of summons to the defendants or at any time before the conclusion of the trial – Relevant facts which need to be looked into for deciding an application under Order VII, Rule 11, C.P.C. are the averments in the complaint.

B. Code of Civil Procedure, 1908 – Order VII Rule 11 – Rejection of Complaint – While deciding an application under O. VII R. 11, the Court is required to go through the complaint. The complaint must contain material facts. When the complaint does not disclose material facts giving rise to a cause of action, the application moved under O. VII R. 11 deserves to be allowed – Clearly provides that where the complaint does not disclose a cause of action, the same *shall* be rejected.

18.

**Shri Ashim Stanislaus Rai****v.****State of Sikkim**

Crl. A. No. 03 of 2018

2019 SCC OnLine Sikk 52

Decided on: 10<sup>th</sup> May 2019

A. Indian Evidence Act, 1872 – Victim's Testimony – Requirement of Corroboration – The evidence of a child witness is to be considered after taking all due precautions which are necessary to find out the truth and to ensure that her deposition is trustworthy – In the matter at hand, the evidence on record indicates that the victim did not divulge the unfortunate incident to any of her friends and slept over it that night. The next morning, on 31-05-2016, at around 06.30 a.m., at the first opportunity she got she informed P.W.3 of the incident. The action of the victim is understandable as in the first instance an incident which she could not fathom in its correct perspective had taken place, her body had been violated and instinctively sensing that it was a wrong act, which obviously rankled and traumatized her, she dealt with it by keeping it under wraps the night of the incident.

The next morning, she confided the incident to the teacher who also had her living quarters in the school. On careful analysis of the victim's entire evidence the consistency therein is undeniable and is found to be cogent, honest and truthful, consequently her testimony requires no further corroboration – It is only when the Court is ambivalent about the veracity of the victim's evidence that resort can be taken to corroborative evidence.

B. Code of Criminal Procedure – S. 164 – When confessions are being recorded, the Magistrate is to exercise caution to ensure that the confession is voluntary. Although as evident from a reading of S. 164(2), the statute does not specify that time for reflection is to be given to the person making such confession but nevertheless by way of abundant precaution a minimum of 24 hours is granted to the accused for this purpose to ensure the voluntariness of his statement. Besides, before recording the confession of an accused he is to be informed that the Officer recording his statement is a Magistrate and that the statement given by him can be used as evidence against him. His voluntariness is of paramount importance as also his awareness that he is no longer in the custody of the police, neither is he bound by any statement, unless he does so of his own freewill. It is also settled law that the statement recorded under S. 164 can never be used as substantive evidence of truth of the facts but may only be used for contradiction or corroboration of the witness who made it – Not extending time for reflection to the victim who was a witness, before recording her statement, lends no prejudice to either the victim, the Prosecution or the Appellant.

19.

**Krishna Pradhan**

**v.**

**State of Sikkim**

Crl. A. No. 31 of 2016

2019 SCC OnLine Sikk 66

Decided on: 27<sup>th</sup> May 2019

A. Protection of Children from Sexual Offences Act, 2012 – Determination of the Victim's Age – Bone Age Estimation Report – Reliability – Medical evidence as to the age of a person, though a very useful guiding factor, is not conclusive and has to be considered along with other cogent evidence – Date of birth must be determined on the basis of material on record and on appreciation of evidence adduced by the parties – Under the POCSO Act, 2012 a reverse burden of proof is imposed upon an accused. The requirement of proof of age of the girl to establish her minority must be strictly complied with and cogently proved.

B. Indian Evidence Act, 1872 – Evidence – Requirement of Corroboration – There is a material difference between voluntarily indulging in sexual act and someone forcing themselves on the girls and having sexual intercourse. Whereas the POCSO Act, 2012 may make no difference and consent of minors would be no consent the reliability of the deposition would suffer when it is found that the girls in spite of having indulged in consensual sexual acts had sought to give it the colour of forceful

sexual assault against the accused – Evidence of the girls is neither wholly reliable nor wholly unreliable. When the Court is faced with such situation it is essential that corroboration is necessarily sought for. In such circumstances, oral testimony of the girls alone would not be sufficient as it would be difficult to sift the grain from the chaff.

C. Indian Evidence Act, 1872 – S. 73 – Had the prosecution proved the relevant entry in the hotel guest register, it was permissible for the learned Special Judge to compare the signature therein with the admitted signature of Krishna Pradhan on the charge – The Court under S. 73 of the Indian Evidence Act, 1872 is entitled to compare the disputed and admitted signature – If the prosecution had identified the relevant entry and exhibited the same the defence would have had occasion to dispute the entries. As this was not done the learned Special Judge could not have taken the entry therein as the “disputed” entry and compared the same at the time of writing judgment.

20.

**Garja Bir Rai**

**v.**

**State of Sikkim**

Crl. A. No. 28 of 2017

2019 SCC OnLine Sikk 68

Decided on: 29<sup>th</sup> May 2019

A. Code of Criminal Procedure – S. 154 – Requirement of Disclosing a Cognizable Offence – Report first filed by P.W.7 would tantamount to one under S. 174 devoid as it was of disclosure of a cognizable offence. The second complaint lodged by P.W.7 after the autopsy was conducted discloses a cognizable offence and indeed qualifies as an F.I.R under S. 154.

B. Code of Criminal Procedure – Ss. 174 and 175 – Power to Summon During Inquiry on Suicide – S. 175 provides that a Police Officer proceeding under S. 174, may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture. If the facts do not disclose a cognizable offence to which S. 170 applies, such persons shall not be required by the police officer to attend a Magistrate's Court – The Section requires the Officer concerned to prepare a report, which without ambiguity requires investigation.

C. Indian Evidence Act, 1872 – Circumstantial Evidence – The principle of circumstantial evidence is that the hypothesis of guilt must lead to the accused and none else by a chain of circumstances which are cogent, consistent and reliable.

D. Indian Evidence Act, 1872 – Interested Witnesses – Evidence – Evidence of an interested witnesses requires careful scrutiny, however if tested and found credible nothing debars reliance on it.

21.

**Prem Rai alias Sambhu Rai****v.****State of Sikkim**

Crl. A. No. 40 of 2017

2019 SCC OnLine Sikk 81

Decided on: 7<sup>th</sup> June 2019

A. Indian Evidence Act, 1872 – Veracity of Victim's Evidence – Conviction in a case of rape can be based solely on the testimony of the victim – Testimony must be truthful and there should be no shadow of doubt over her veracity. It cannot, however, be held that every victim's evidence must be accepted even if the story is improbable and belies logic. The testimony of a victim of rape has to be placed on a higher pedestal than even an injured witness, but when the Court finds it difficult to accept the victim's version because it is not irreproachable, search for direct or circumstantial evidence to lend assurance to her testimony must be undertaken.

B. Indian Evidence Act, 1872 – S. 45 – Medical Evidence and Ocular Evidence – Inconsistency – Where prosecution witness's testimonies are totally inconsistent with medical evidence it amounts to a fundamental defect in the prosecution case and if not reasonably explained may discredit the case of the prosecution – If the opinion given by a medical witness is not consistent and probable, the Court does not necessarily have to go by it – When eye witness account is credible, medical opinion cannot be accepted as conclusive – Though, ocular testimony of a witness has greater evidentiary value vis-à-vis medical evidence, when the medical evidence makes the ocular evidence improbable that becomes a relevant factor. If the medical evidence completely rules out all possibilities of ocular evidence being true, ocular evidence may be disbelieved – The expert opinion must be given a great sense of acceptability but the Court cannot be guided by every such opinion even if it is perfunctory, unsustainable and are the result of a deliberate attempt to misdirect the prosecution.

C. Indian Penal Code, 1860 – S. 376 – Explanation (1) to S. 375, I.P.C clarifies that for the purpose of the section, "*vagina*" shall also include *labia majora* – Partial penetration within the *labia majora* of the vulva or pudendum is sufficient to constitute the offence of rape, depth of penetration being immaterial. The lack of injury on the genital of the victim cannot be considered as conclusive proof that the Appellant had not raped the victim. More so when the injuries on the victim as well as the Appellant does reflect signs of resistance.

D. Protection of Children from Sexual Offences Act, 2012 – S. 3 (a) – Indian Penal Code, 1860 – S. 375 (a) – S. 3(a) of the POCSO Act and S. 375 (a) of the I.P.C are identically worded except the words "*woman*" in S. 375 is replaced by the word "*child*" in S. 3(a) of the POCSO Act. Whereas the POCSO Act is gender neutral, S. 375(a) relates to rape committed on a woman – S. 6 (10), I.P.C – Woman denotes female human being of any age – If the victim is a child i.e. a person less than 18 years of age, S. 3(a) of the POCSO Act would be attracted, consent notwithstanding.

E. Indian Penal Code, 1860 – S. 71 – Limit of Punishment of Offence made up of Several Offences – In view of S. 220 Cr.P.C. the Appellant could have been charged and tried at one trial for the offences he was charged with. However, in view of S. 220 (5) Cr.P.C. S. 71 of the IPC and S. 42 of the POCSO Act, it is clear that if the alleged act of penetrative sexual assault, assault or criminal force to woman with intent to outrage her modesty and assault or use of criminal force to woman with intent to disrobe were committed in the course of the same transaction, the offender may not be punished for more than one of such his offences, unless it be so expressly provided.

22.

**Shri Rajendra Prasad Mangla and Another**

v.

**Shri Govind Agarwal**

RFA No. 13 of 2017

2019 SCC OnLine Sikk 86

Decided on: 8<sup>th</sup> June 2019

A. Gangtok Rent Control and Eviction Act, 1956 – In eviction proceedings, the question of title to the properties may be incidentally discussed but cannot be decided finally.

B. Gangtok Rent Control and Eviction Act, 1956 – Attornment by Implication – Appellant No. 1 in the communications has insisted on a settlement between him and the Respondent to reach an amicable amount to be paid as revised rent to the Respondent. If the Appellant No. 1 did not consider the Respondent as his landlord then there was no reason for him to seek such a settlement. The Appellants, by the correspondences reflected hereinabove have accepted the Respondent as their landlord.

C. Code of Civil Procedure, 1908 – Non-joinder of Parties – In a suit by a landlord against a tenant for arrears of rent and eviction, it is not necessary to implead the brothers or other relatives of the landlord and title cannot be an issue – It is settled law that a plea of non-joinder cannot be raised at the appellate stage.

23.

**The Branch Manager, National Insurance Co. Ltd**

v.

**Mrs. Dil Kumari Subba and Others**

MAC App. No. 03 of 2018

2019 SCC OnLine Sikk 82

Decided on: 10<sup>th</sup> June 2019

A. Indian Evidence Act, 1872 – Proof of Income Certificate issued by Block Development Officer – View taken in re: *Smt. Anita Sunam* and in re: *Smt. Meena Bania* relied – Block Development Officer (BDO) is a competent authority under the State Government to issue certificate of income and also a

public servant and therefore certificate issued under his seal and signature can be judicially taken notice of under illustration (e) of S. 114 of the Indian Evidence Act – There was no necessity to examine the BDO to prove the certificate as it would fall within the meaning of a public document under S. 74 of the Indian Evidence Act and thus judicial notice can be taken of it under clause (6) and (7) of S. 57 thereof – BDO being a public officer duly conferred with the authority to issue income certificates, it would not be mandatory to call him in the witness box to prove that he had indeed issued the income certificate.

24.

**Shri Bishnu Prasad Bhagat**

**v.**

**Shri Prakash Basnett**

RFA No. 05 of 2016

2019 SCC OnLine Sikk 84

Decided on: 15<sup>th</sup> June 2019

A. Notification No. 6326-600/H&WB dated 14.04.1949 – Grounds for eviction in clause 2 – “*Personal occupation*” of the landlord includes the requirement of the dependents as well – Respondent's family consist of his wife, daughter and son. It cannot be doubted that the requirement of adequate accommodation for the family would grow when children grow up – Similarly, the Respondent desire to accommodate a help due to his health issues and to have adequate room when his relatives visit cannot be termed fanciful.

B. Indian Evidence Act, 1872 – Evidence – Appreciation – In a suit of this nature what is important is to gauge the requirement being natural, real, sincere, honest, genuine and *bonafide*. When a witness enters the witness box, it is, most of the time, a new and overwhelming experience. Every sentence spoken in the witness box cannot be minutely dissected and examined through hawk eyes for its truthfulness unless the sentence directly and substantially affects the case set up. A certain degree of latitude must be accommodated for genuine human errors including the thought being lost in translation. It is better to appreciate the overall impact of the evidence produced rather than go nitpicking and hair-splitting over it.



## IMPORTANT VISITS & CONFERENCES

1. Hon'ble Mr. Justice Vijai Kumar Bist, Chief Justice, High Court of Sikkim visited Chungthang, North Sikkim on 19<sup>th</sup> April, 2019 for inspection of on-going construction of Court of Civil Judge-cum-Judicial Magistrate, Chungthang Sub-Division and rented premises being utilised for the Court of the Civil Judge-cum-Judicial Magistrate, Chungthang Sub-Division, North Sikkim.
2. Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim & Executive Chairperson, Sikkim State Legal Services Authority visited Chungthang and Yumthang, North Sikkim to grace the occasion on "Awareness/Sensitization programme on POCSO, Domestic Violence, Maintenance & Welfare of Parents and Sr. Citizens Act, 2007 and Adoption in terms of the Juvenile Justice (Care & Protection of Children) Act, 2015 at Zilla Panchayat Bhawan, Chungthang held on 3<sup>rd</sup> May, 2019 and Legal Awareness Programme with Pipons and Village Elders on Domestic Violence Act and POCSO held on 5<sup>th</sup> May, 2019 at Forest Bungalow, Yumthang, North Sikkim.
3. Hon'ble Mr. Justice Bhaskar Raj Pradhan, Judge, High Court of Sikkim attended the "*Meeting of Hon'ble Judge In-charge of Judicial Education of State Judicial Academies*" at National Judicial Academy, Bhopal on 13<sup>th</sup> April, 2019 & 14<sup>th</sup> April, 2019.
4. Hon'ble Mr. Justice Bhaskar Raj Pradhan, Judge, High Court of Sikkim attended the "*East Zone-II Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities*" scheduled on 27<sup>th</sup> & 28<sup>th</sup> April, 2019 at National Judicial Academy, Bhopal.