

# HIGH COURT OF SIKKIM



## NEWSLETTER

Vol. 14, Issue No. 1

January to March, 2019



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High Court of Sikkim/Patron-in-Chief

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**VACANCIES IN COURTS**

(i) Vacancies in the High Court of Sikkim as on 31.03.2019

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

(ii) Vacancies in the District &amp; Subordinate Courts as on 31.03.2019

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 (East) at Gangtok</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 01.01.2019 to 31.03.2019.

Sl. No.	Pending as on 01.01.2019	Institution	Disposal	Pending as on 31.03.2019
	Main Cases	Main Cases	Main Cases	Main Cases
1.	252	40	25	267

**(1) Total Institution, Disposal & Pendency of cases in the Subordinate Courts of Sikkim from 01.01.2019 to 31.03.2019.**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
East District at Gangtok	Main cases	228	35	46	217	570	178	149	599
	Misc. cases	54	53	37	70	23	116	120	19
West District at Gyalshing	Main cases	21	06	13	14	42	12	15	39
	Misc. cases	11	09	08	12	00	22	22	00
North District at Mangan	Main cases	02	02	00	04	17	05	06	16
	Misc. cases	05	03	07	01	00	14	13	01
South District at Namchi	Main cases	35	13	08	40	138	23	48	113
	Misc. cases	28	24	33	19	03	124	116	11
Family Courts	Main cases	101	49	57	93	32	17	24	25
	Misc. cases	00	01	00	01	12	06	09	09
Fast Track Courts	Main cases	-	-	-	-	12	03	04	11
	Misc. cases	-	-	-	-	00	03	03	00
Juvenile Justice Boards	Main cases	-	-	-	-	10	05	06	09
	Misc. cases	-	-	-	-	00	02	02	00
<b>Total Main Cases</b>		<b>387</b>	<b>105</b>	<b>124</b>	<b>368</b>	<b>821</b>	<b>243</b>	<b>252</b>	<b>812</b>
<b>Total Misc. Cases</b>		<b>98</b>	<b>90</b>	<b>85</b>	<b>103</b>	<b>38</b>	<b>287</b>	<b>285</b>	<b>40</b>

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES DISTRICT WISE**

(1) Total Institution, Disposal and Pendency of cases in the Subordinate Courts of Sikkim from 01.01.2019 to 31.03.2019

**(i) East District at Gangtok.**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
District & Sessions Judge (East)	Main cases	126	25	20	131	249	35	13	271
	Misc. cases	27	44	30	41	18	63	67	14
District & Sessions Judge (Spl. Div- I)	Main cases	21	00	07	14	02	00	00	02
	Misc. cases	03	00	01	02	00	00	00	00
District & Sessions Judge (Spl. Div- II)	Main cases	06	00	01	05	07	00	04	03
	Misc. cases	07	03	00	10	00	00	00	00
Chief Judicial Magistrate cum Civil Judge (East)	Main cases	03	04	02	05	151	100	96	155
	Misc. cases	01	02	02	01	02	17	18	01
Civil Judge cum- Judicial Magistrate (East)	Main cases	46	05	08	43	84	32	19	97
	Misc. cases	12	04	03	13	02	36	35	03
Civil Judge cum Judicial Magistrate Chungthang Subdivision stationed at Gangtok (East)	Main cases	22	01	08	15	55	03	16	42
	Misc. cases	02	00	01	01	01	00	00	01
Civil Judge cum Judicial Magistrate Rangpo Sub division, East Sikkim	Main cases	04	00	00	04	17	03	01	19
	Misc. cases	02	00	00	02	00	00	00	00
Civil Judge- cum Judicial Magistrate Rongli Sub division, East Sikkim	Main cases	00	00	00	00	05	05	00	10
	Misc. cases	00	00	00	00	00	00	00	00
<b>Total Main Cases</b>		<b>228</b>	<b>35</b>	<b>46</b>	<b>217</b>	<b>570</b>	<b>178</b>	<b>149</b>	<b>599</b>
<b>Total Misc. Cases</b>		<b>54</b>	<b>53</b>	<b>37</b>	<b>70</b>	<b>23</b>	<b>116</b>	<b>120</b>	<b>19</b>

**(ii) West District at Gyalshing**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
District & Sessions Judge (West)	Main cases	09	03	05	07	30	04	06	28
	Misc. cases	09	08	06	11	00	07	07	00
Chief Judicial Magistrate-cum-Civil Judge (West)	Main cases	01	00	01	00	04	04	07	01
	Misc. cases	00	00	00	00	00	05	05	00
Civil Judge-cum-Judicial Magistrate (West)	Main cases	07	03	06	04	01	00	01	00
	Misc. cases	01	01	02	00	00	05	05	00
Civil Judge-cum-Judicial Magistrate, Soreng Subdivision, West Sikkim	Main cases	04	00	01	03	07	04	01	10
	Misc. cases	01	00	00	01	00	05	05	00
<b>Total Main Cases</b>		<b>21</b>	<b>06</b>	<b>13</b>	<b>14</b>	<b>42</b>	<b>12</b>	<b>15</b>	<b>39</b>
<b>Total Misc. Cases</b>		<b>11</b>	<b>09</b>	<b>08</b>	<b>12</b>	<b>00</b>	<b>22</b>	<b>22</b>	<b>00</b>

**(iii) North District at Mangan**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
District & Sessions Judge (North)	Main cases	02	02	00	04	04	01	01	04
	Misc. cases	03	02	04	01	00	00	00	00
Chief Judicial Magistrate-cum-Civil Judge (North)	Main cases	00	00	00	00	04	02	03	03
	Misc. cases	00	00	00	00	00	09	08	01
Civil Judge-cum-Judicial Magistrate (North)	Main cases	00	00	00	00	05	00	02	03
	Misc. cases	02	00	02	00	00	05	05	00
Civil Judge-cum-Judicial Magistrate, Chungthang Sub Division, North Sikkim	Main cases	00	00	00	00	04	02	00	06
	Misc. cases	00	01	01	00	00	00	00	00
<b>Total Main Cases</b>		<b>02</b>	<b>02</b>	<b>00</b>	<b>04</b>	<b>17</b>	<b>05</b>	<b>06</b>	<b>16</b>
<b>Total Misc. Cases</b>		<b>05</b>	<b>03</b>	<b>07</b>	<b>01</b>	<b>00</b>	<b>14</b>	<b>13</b>	<b>01</b>

**(iv) South District at Namchi**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
District & Sessions Judge (South)	Main cases	23	07	04	26	109	07	28	88
	Misc. cases	22	20	29	13	00	30	28	02
Chief Judicial Magistrate-cum- Civil Judge (South)	Main cases	01	01	01	01	06	12	13	05
	Misc. cases	00	00	00	00	00	45	45	00
Civil Judge-cum- Judicial Magistrate (South)	Main cases	04	03	03	04	06	01	05	02
	Misc. cases	01	02	03	00	00	34	34	00
Civil Judge-cum-Judicial Magistrate, Jorethang Sub Division (South)	Main cases	02	00	00	02	10	03	01	12
	Misc. cases	00	00	00	00	02	08	05	05
Civil Judge-cum-Judicial Magistrate, Yangang Sub Division (South)	Main cases	05	02	00	07	07	00	01	06
	Misc. cases	05	02	01	06	01	07	04	04
<b>Total Main Cases</b>		<b>35</b>	<b>13</b>	<b>08</b>	<b>40</b>	<b>138</b>	<b>23</b>	<b>48</b>	<b>113</b>
<b>Total Misc. Cases</b>		<b>28</b>	<b>24</b>	<b>33</b>	<b>19</b>	<b>03</b>	<b>124</b>	<b>116</b>	<b>11</b>

**(v) Family Courts**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019	Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
Family Court, East at Gangtok	Main cases	75	34	43	66	23	08	18	13
	Misc. cases	00	01	00	01	05	01	04	02
Family Court West at Gyalshing	Main cases	04	05	03	06	03	02	02	03
	Misc. cases	00	00	00	00	00	00	00	00
Family Court North at Mangan	Main cases	01	00	01	00	00	01	01	00
	Misc. cases	00	00	00	00	00	00	00	00
Family Court South at Namchi	Main cases	21	10	10	21	06	06	03	09
	Misc. cases	00	00	00	00	07	05	05	07
<b>Total Main Cases</b>		<b>101</b>	<b>49</b>	<b>57</b>	<b>93</b>	<b>32</b>	<b>17</b>	<b>24</b>	<b>25</b>
<b>Total Misc. Cases</b>		<b>00</b>	<b>01</b>	<b>00</b>	<b>01</b>	<b>12</b>	<b>06</b>	<b>09</b>	<b>09</b>

**(vi) Fast Track Court**

NAME OF THE COURT		CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
Fast Track Court (East & North) at Gangtok	Main cases	10	03	04	09
	Misc. cases	00	03	03	00
Fast Track Court (South & West) at Gyalshing	Main cases	02	00	00	02
	Misc. cases	00	00	00	00
<b>Total Main Cases</b>		12	03	04	11
<b>Total Misc. Cases</b>		00	03	03	00

**(vii) Juvenile Justice Boards**

NAME OF THE COURTS		CRIMINAL CASES			
		Opening balance as on 01.01.2019	Institution from 01.01.2019 to 31.03.2019	Disposal from 01.01.2019 to 31.03.2019	Pendency at the end of 31.03.2019
Juvenile Justice Board East, at Gangtok	Main cases	07	04	03	08
	Misc. cases	00	01	01	00
Juvenile Justice Board West, at Gyalshing	Main cases	01	01	01	01
	Misc. cases	00	01	01	00
Juvenile Justice Board North, at Mangan	Main cases	00	00	00	00
	Misc. cases	00	00	00	00
Juvenile Justice Board South, at Namchi	Main cases	02	00	02	00
	Misc. cases	00	00	00	00
<b>Total Main Cases</b>		10	05	06	09
<b>Total Misc. Cases</b>		00	02	02	00



## SOME RECENT JUDGMENTS OF HIGH COURT OF SIKKIM FROM (01.01.2019 TO 31.03.2019)

1.

**Lakpa Dorjee Tamang**

v.

**State of Sikkim**

Crl. A. No. 33 of 2017

2019 SCC OnLine Sikk 7

Decided on: 21<sup>st</sup> February 2019

A. Juvenile Justice (Care and Protection of Children) Act, 2015 - S. 94 - Determination of Age - The Court directed the Juvenile Justice Board, South District at Namchi to examine the case in respect of the age of the appellant and submit a report to this Court. In compliance to that order, the Juvenile Justice Board, South District at Namchi considered the matter of juvenile afresh and passed an order that the appellant was 18 years 05 months and 15 days on the day of the commission of the incident i.e. on 04.09.2015 and as such was held a major on the date of commission of offence. The said order passed by the Juvenile Justice Board was not challenged by the appellant. Thus, appellant cannot claim the benefit of provision of JJ Act, 2015.

B. Indian Evidence Act, 1872 - Consistency in the Evidence of Victim - In her statement under Section 164 of Cr.P.C. before the Magistrate, the victim has stated that the appellant/accused touched her chest area as well as her genital area. He then removed her shirt, skirt and her underwear. He also removed his pant and shirt. He then pulled down his underwear and raped her by putting his penis in her vagina. In her statement she has stated that the accused had on four other earlier occasions raped her but she had not informed anyone since the accused used to threaten to kill her. This was the fifth time the accused raped her and this fact came to the knowledge of everyone only because of her friends having witnessed it. Thus, it can safely be said that the statements given by her are consistent.

C. Protection of Children from Sexual Offences Act, 2012 - Ss. 29 and 30 - S. 29 provides that where a person is prosecuted for committing or abetting or attempting to commit any offence under Ss. 3, 5, 7 and 9 of the POCSO Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be, unless the contrary is proved. In this case, the appellant failed to prove that he has not committed the offence as alleged by the minor victim - S. 30 provides that the accused has to establish beyond reasonable doubt that he had no culpable mental state. The appellant has made no effort to rebut the presumption of culpable mental state.

2.

**Raju Prasad**  
**v.**  
**State of Sikkim**

Crl. A. No. 17 of 2018  
2019 SCC OnLine Sikk 4

Decided on: 4<sup>th</sup> March 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.

3.

**The Branch Manager,**  
**National Insurance Co. Ltd,**  
**Gangtok Branch**  
**v.**  
**Smt. Aruna Dhakal and Others**

MAC App. No. 06 of 2017

2019 SCC OnLine Sikk 13  
Decided on: 16<sup>th</sup> March 2019

A. Indian Evidence Act, 1872 – S. 35 – The following conditions are to be fulfilled before a document can be held to be admissible under this Section: (i) the document must be in the nature of an entry in any public or other official book, register or record; (ii) it must state a fact in issue or a relevant fact; and (iii) the entry must be made by a public servant in the discharge of his official duties, or in performance of his duties – Such entries however must be established by necessary evidence. In addition to which the entries must be made by or under the direction of the person

whose duty it is to make them at the relevant time. It is essential to show that the document was prepared by the public servant in the discharge of his official duty.

B. Indian Evidence Act, 1872 – Distinction Between Admissibility of a Document and its Probative Value – It is indeed explicit that the Indian Evidence Act, 1872 does not give licence to any party to submit and rely on any document sans proof by any measure whatsoever. Even if the strict rules of evidence are excluded in the instant matter, one cannot overlook the fact that there is no proof whatsoever on record that the Appellant had sought Exhibit R-2 from the concerned Office or that it had in fact been issued by the said Office. No registers or entries made were furnished to prove the contention of the Appellant nor was any official examined to oust the doubts that arise on its authenticity – Exhibit R-2 has no probative value.

C. Motor Vehicles Act, 1988 – S. 14(2)(a) – Licence to drive a transport vehicle will be effective for a period of three years – It is only in the case of any other licence that the validity can be for a period of twenty years from the date of either issuance or renewal provided the person has not attained the age of 50 years – The contest is not to the genuineness of the licence as it is not disputed that the Driving Licence was issued by the Licencing Authority in Darjeeling. It is also not disputed that the offending driver had skills to drive Light Motor Vehicle (Transport). No questions were put forth to the Licencing Authority whether there was any typographical error with regard to the year of validity. In such a circumstance, considering that the Appellant has failed to decimate the validity of Exhibit 15, it stands as a genuine document irrespective of the fact that it does not comply with the provisions of S. 14. This is so since no concerned authority was examined to establish that the period of validity was wrongly entered and neither the driver nor the claimants or the owner can be held to ransom for any alleged erroneous entry in the Driving Licence made by the concerned authority.

D. Motor Vehicles Accident Claims – Future Prospects – To the question of the Tribunal having added 50% of the Monthly Income of ₹ 6,600/- as future prospects, it needs no reiteration that in *Shashikala's case*, the Hon'ble Supreme Court has specifically laid down that in the case of self-employed or persons with fixed wages in case the deceased victim is below forty years there must be an addition of 50% to the actual income of the deceased while computing future prospects – People who are self-employed or engaged on fixed wages are also entitled to 50% of the actual income of the deceased to be computed as future prospects.

E. Motor Vehicles Accident Claims – S. 166 – Structured formula spelt out in the table in the Second Schedule to the Motor Vehicles Act, 1988 does not apply for computing compensation for applications under S. 166 – The deceased being approximately 34 years at the time of accident, the correct multiplier to have adopted would be 16 in terms of *Sarla Verma's case*.

4.

**Mahesh Chettri and Another**  
v.  
**State of Sikkim and Others**

Tr. P. (C) No. 02 of 2019  
2019 SCC OnLine Sikk 15  
Decided on: 23<sup>rd</sup> March 2019

A. Code of Civil Procedure, 1908 – S. 24 – General Power of Transfer and Withdrawal – It was brought to the notice of the learned District Judge that earlier his father, being the Additional Advocate General of the State, had appeared for the State in respect of the same subject matter – The District Judge in his order observed that once the said fact came to his notice, it would not be appropriate for him to proceed with the matter – In my view, this cannot be and should not be ground for recusal from a case. The District Judge, at no point of time, was involved in any manner with the case. He himself was not appearing for any of the parties. It was his father who was appearing for the respondent, that too, for the State as State Counsel/ Additional Advocate General. In fact, in many cases the Counsel for the State appear on behalf of the State. They do not even remember in which case they appeared for the State. The father of the District Judge appeared in his private capacity and the District Judge had nothing to do with the said case. In some cases it is found that father appears for one party and son appears for opposite party. They appear for the respective parties in their individual capacity. Nothing wrong in it.

B. Code of Civil Procedure, 1908 – S. 24 – General Power of Transfer and Withdrawal – It is the duty of a Judge to hear every matter placed before him without fear or favour. A Judge can recuse when he or his family members' interest is involved in the case. He can also recuse when his close relative is a party in the *lis*. He can recuse from a case where one of the parties is known to him and is closely associated with him. He can also recuse when he had earlier as an Advocate appeared for one of the parties. A Judge can also recuse where he had earlier given legal opinion in the matter or has a financial interest in the litigation.

5.

**Lakhi Ram Takbi**  
v.  
**State of Sikkim**

Crl. A. No. 15 of 2017  
SLR (2019) SIKKIM 45  
Decided on: 28<sup>th</sup> March 2019

A. Protection of Children from Sexual Offences Act, 2012 – S. 2 (d) – Child – Admissibility of Birth Certificate prepared *ante litem motam* – The documents made *ante litem motam* can be safely relied upon when such documents are admissible under S. 35 of the Indian Evidence Act, 1872 – The Court

has the right to examine the probative value of a document admissible even under S. 35 of the said Act if it so requires.

B. Indian Evidence Act, 1872 – S. 74 – Public Documents – Admissibility – In the present appeal, no objection was raised when the original Birth Certificate was admitted in evidence nor any issue raised on its probative value – Objection to the document being heard in the Appellate Court for the first time – The Birth Certificate, a public document is admissible in evidence and in the absence of objection it is assumed that the Appellant has accepted its probative value – Where a public document had been admitted without formal proof, the same cannot be questioned by the defence at the stage of appeal since no objection was raised by them when such document was tendered and received in evidence.

C. Indian Evidence Act, 1872 – S. 74 – Public Documents – Admissibility – In the present appeal, no objection was raised when the original Birth Certificate was admitted in evidence nor any issue raised on its probative value – Objection to the document being heard in the Appellate Court for the first time – The Birth Certificate, a public document is admissible in evidence and in the absence of objection it is assumed that the Appellant has accepted its probative value – Where a public document had been admitted without formal proof, the same cannot be questioned by the defence at the stage of appeal since no objection was raised by them when such document was tendered and received in evidence.

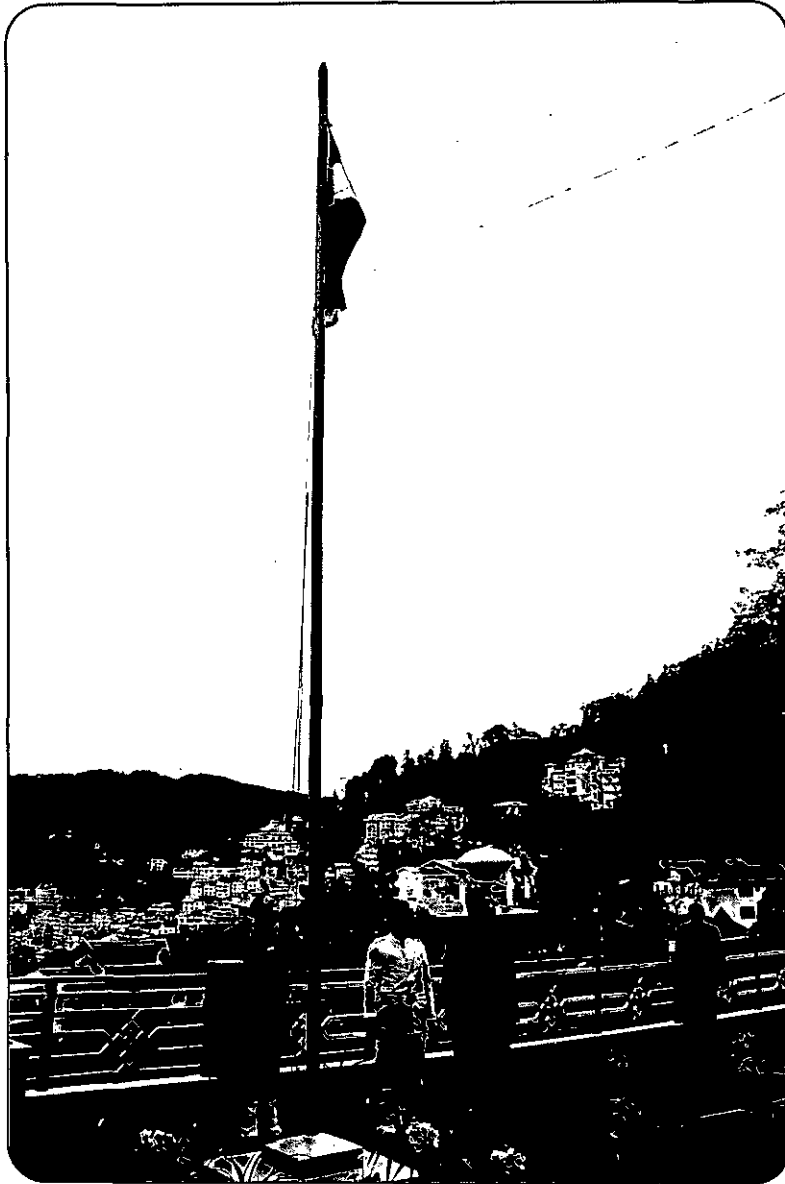
D. Indian Penal Code, 1860 – S. 154 – Delay in Lodging F.I.R – In the instant matter, the victim did not confide in anyone about her pregnancy and only when the complainant came to learn of it the F.I.R came to be lodged. The mortification and the apprehension of ignominy in the minds of the parents and the fear of reprisal as well in the mind of the victim appear to have led to the situation and are all sufficient therefore to explain and condone the delay in the lodging of the F.I.R.

E. Protection of Children from Sexual Offences Act, 2012 – S. 30 – Presumption of Culpable Mental State – Absence of culpable mental state has to be established beyond a reasonable doubt – In the reverse burden of proof as postulated in S. 30, it is not preponderance of probability but “beyond reasonable doubt,” thereby distinguishing it from rebuttable presumption – Where the statute so demands no discretion rests with the Court, save to draw the statutory conclusion, while at the same time allowing the accused to rebut the presumption, which under S. 30 demands it to be beyond a reasonable doubt.

F. Code of Criminal Procedure, 1973 – S. 216 – Alteration of Charge – Any direction given by the Court for further trial or directing fresh trial is to be judged on the touchstone of prejudice to the accused or the prosecution – If the Charge is of the same species, the Court ought to be circumspect in ordering a retrial – The emphasis now is to prevent secondary victimisation through repeated appearances in Court, for the victim, who has to face hostile or semi-hostile environment in the Courtroom – Where the offences were of the same species and Charges altered, efforts should be made by the Court to assess the necessity of a *de novo* trial and to ensure that the victims do not face secondary victimisation.

## SOME RECENT MAJOR EVENTS

### CELEBRATION OF 70<sup>th</sup> REPUBLIC DAY :



The High Court of Sikkim celebrated the 70<sup>th</sup> Republic Day on 26<sup>th</sup> January, 2019. The National Flag was unfurled by Hon'ble Shri Justice Vijai Kumar Bist, Chief Justice, High Court of Sikkim, followed by a Guard of Honour to His Lordship.

The occasion was graced by Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim, Hon'ble Mr. Justice Bhaskar Raj Pradhan, Judge, High Court of Sikkim, Hon'ble Mr. Justice A.P. Subba, Former Judge, High Court of Sikkim. The Judicial Officers, Senior Advocates, Members of the Bar, Officers & Staff of the Registry and Media persons were also present.

**IMPORTANT VISITS & CONFERENCES**

1. Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim attended the "17<sup>th</sup> All India Meet of the State Legal Services Authorities" at Chandigarh, Punjab scheduled on 2<sup>nd</sup> and 3<sup>rd</sup> March, 2019.
2. Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim proceeded to Bhopal, National Judicial Academy as a Resource Person of the Workshop for Additional District Judges (P-1155) scheduled on 8<sup>th</sup> March, 2019.
3. Hon'ble Mr. Justice Bhaskar Raj Pradhan, Judge, High Court of Sikkim attended the "Conference for High Court Justices on the Regime of Goods and Service Tax (P-1153)" organized by National Judicial Academy, Bhopal on 3<sup>rd</sup> March, 2019.