

**THE HIGH COURT OF SIKKIM : GANGTOK**

(Criminal Appeal Jurisdiction)

Dated : 17<sup>th</sup> June, 2024

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**DIVISION BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE  
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

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Crl. A. No.07 of 2022

**Appellant** : Karan Chettri**versus****Respondent** : State of SikkimApplication under Section 374(2) of the  
Code of Criminal Procedure, 1973**Appearance**Ms. Puja Lamichaney, Advocate (Legal Aid Counsel) for the  
Appellant.Mr. S. K. Chettri, Additional Public Prosecutor for the State-  
Respondent.

and

Crl. A. No.08 of 2022

**Appellant** : Nima Sherpa @ Nani Ko Bau**versus****Respondent** : State of SikkimApplication under Section 374(2) of the  
Code of Criminal Procedure, 1973**Appearance**Mr. S. S. Hamal, Senior Advocate (Legal Aid Counsel) with Mr. Tashi  
Wongdi Bhutia, Advocate (Legal Aid Counsel) for the Appellant.Mr. S. K. Chettri, Additional Public Prosecutor for the State-  
Respondent.**ORDER ON SENTENCE**Meenakshi Madan Rai, J.

1. Heard Learned Counsel for the parties on Sentence.
2. Learned Counsel for the Convicts/Appellants verbally submit that a lenient view be taken in the sentencing in view of the fact that the Convicts are in their early twenties and that, only the



minimum sentence be imposed and not the one extending to life imprisonment.

**3.** Learned Additional Public Prosecutor had no submissions to advance except to state that this Court correctly observed in its Judgment that the minimum imprisonment to be imposed under Section 376D of the Indian Penal Code, 1860 (hereinafter, the "IPC"), is twenty years.

**4.** After hearing submissions of Learned Counsel for the parties, in view of the mandate of law a sentence of rigorous imprisonment of twenty years, each, is imposed on each of the Convicts (i.e., Karan Chettri in Crl.A. No.07 of 2022 and Nima Sherpa @ Nani Ko Bau in Crl.A. No.08 of 2022) under Section 376D of the IPC, with a fine of ₹ 5,000/-(Rupees five thousand) only, each. In default of payment of fine, each of the Convicts shall undergo rigorous imprisonment for a further period of one month.

**5.** Appeal disposed of accordingly.

**6.** A copy of this Order be made over to each of the convicts through the Jail Superintendent, Central Prison, Rongyek.

**7.** Copy of this Order be forwarded to the Learned Trial Court for information along with its records.

**8.** Copy of this Order also be forwarded to the Jail Authority at the Central Prison, Rongyek, for information and necessary steps.

**( Bhaskar Raj Pradhan )**  
**Judge**  
17-06-2024

**( Meenakshi Madan Rai )**  
**Judge**  
17-06-2024

Approved for reporting : **Yes**