

**HIGH COURT OF SIKKIM**

Record of proceedings

**CrI. M.C. No. 01 of 2024**

KRISHNA KHAREL

.... PETITIONER

VERSUS

STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date: 02.04.2024

CORAM

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner : Mr. Karma Thinlay, Senior Advocate with  
Mr. Zamyang Norbu Bhutia, Advocate.  
Mr. Chetan Sharma, Advocate.

For Respondents: Mr. Zangpo Sherpa, Additional Advocate General.  
Mr. Mohan Sharma, Advocate.  
Mr. Shakil Raj Karki, Assistant Government  
Advocate.

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On 28.03.2024 this Court, after hearing the learned Senior Counsel for the petitioner, in the presence of the learned Additional Advocate General had passed an Order granting the respondent two days time to place the necessary documents relating to this case to enable this Court to take an appropriate call in the matter. The learned Senior Counsel had raised an important point. It was submitted that the impugned Order dated 12.03.2024 was not preceded by the mandatory show cause notice which ought to have been issued and served. The learned Additional Advocate General having accepted the notice on behalf of the respondents on 28.03.2024 fairly submits that in fact no such notice had been served upon the petitioner. Therefore, the respondents shall withdraw the impugned Order dated 12.03.2024 by the end of the day. In view of the specific undertaking by the learned Additional Advocate General, nothing remains in this CrI. M.C. No. 01 of 2024 which is accordingly disposed of as above. Pending interim application also stands disposed.

**Judge**