

# High Court of Sikkim

Record of proceedings

## **CRL.L.P. No.01 of 2021**

State of Sikkim

Petitioner

*VERSUS*

Prem Bahadur Biswakarma

Respondent

Date : **06-12-2023**

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

For Petitioner

Mr. Yadev Sharma, Additional Public Prosecutor.  
Mr. Sujan Sunwar, Assistant Public Prosecutor.

For Respondent

Mr. Bhusan Nepal, Advocate (Amicus Curiae).

## **ORDER**

Rai, J.

Heard on I.A. No.01 of 2021 which is an application filed by the State-Petitioner under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 125 days in filing the Leave to Appeal.

Learned Additional Public Prosecutor while making his submissions placed reliance on the decision of the Supreme Court *In Re : Cognizance For Extension of Limitation* : 2021 SCC OnLine SC 947 and *In Re : Cognizance For Extension of Limitation* : (2022) 3 SCC 117. He submits that in view of the said Orders of the Hon'ble Supreme Court, in fact he is well within the period of limitation and there is no delay.

This is conceded to by Learned Amicus Curiae.

In view of the said circumstance, the delay is condoned.

Leave to Appeal is allowed and the Petition stands disposed of accordingly.

Heard on I.A. No. 01 of 2021 which is an application filed by the State-Petitioner under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 125 days in filing the Criminal Appeal.

In view of the submission in the previous I.A. reflected (*supra*) Learned Amicus Curiae has no objection to the application. Considered.

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Delay condoned.

I.A. No. 01 of 2021 stand disposed of accordingly.

Register the Criminal Appeal.

Heard on admission.

Admit the Appeal.

Call for the records from the Learned Trial Court.

Let Paper-Books be prepared.

In view of the intervening winter vacation, list thereafter.

**Judge**  
06-12-2023

**Judge**  
06-12-2023

ds/bp/sdl