

# High Court of Sikkim

Record of proceedings

## **I.A. No.01 of 2022**

State of Sikkim

Petitioner

*VERSUS*

Pema Wangchuk Bhutia

Respondent

Date : **30-05-2022**

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

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

For Respondent Mr. Tsewang Namgyal Bhutia, Advocate (Legal Aid Counsel).

## **ORDER**

Rai, J.

Two IAs, both being I.A. No.01 of 2022, one seeking condonation of 257 days delay in filing the Criminal Leave Petition and another seeking condonation of the same number of days delay in filing the Criminal Appeal, were heard.

It is submitted by Learned Additional Public Prosecutor that the Hon'ble Supreme Court in ***In Re : Cognizance for Extension of Limitation*** [*Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition (C) No.03 of 2020*], dated 10-01-2022, at Paragraph 5(1), has ordered that the Order dated 23-03-2020 is restored and in continuation of the subsequent Order dated 08-03-2021, 27-04-2021 and 23-09-2021, it is directed that the period from 15-03-2020 till 28-02-2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or sub laws in respect of judicial or quasi judicial proceeding.

Learned Legal Aid Counsel for the Respondent submits that he has no objection to the application for condonation of delay in view of the aforestated Order of the Hon'ble Supreme Court.

We have considered the submissions of Learned Counsel and also perused the Order of the Hon'ble Supreme Court *supra*.

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In light of the aforesaid Order and grounds made out by the Petitioner, delay condoned in both IAs as the Petitions are filed within the period prescribed in the Order of the Hon'ble Supreme Court.

Both I.As stand disposed of accordingly.

Leave to file the Appeal granted.

Register the Criminal Appeal.

List for hearing on admission on 10-08-2022.

**Judge**  
30-05-2022

**Judge**  
30-05-2022

ds/to