

High Court of Sikkim

Record of proceedings

I.A. No.01 of 2025 in Crl.A./2/2025/(Filing No.)

PRITAM SHARMA

APPLICANT(S)

VERSUS

STATE OF SIKKIM

RESPONDENT(S)

DATE : **19-05-2025**

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

For Applicant(s) Mr. N. Rai, Senior Advocate with Ms. Tara Devi Chettri, Advocate.

For Respondent(s) Mr. Thinlay Dorjee Bhutia, Public Prosecutor and Mr. Yadev Sharma, Additional Public Prosecutor.

ORDER

Heard on I.A. No.01 of 2025 which is an application seeking condonation of fifty days delay in filing the instant Appeal.

Learned Senior Counsel appearing for the Applicant submits that the impugned Judgment was pronounced on 28-10-2024 and the Order on Sentence on 30-10-2024. Pursuant thereto (as informed by the Applicant) a Legal Aid Counsel was appointed for the Applicant by the Sikkim State Legal Services Authority (for short, "SSLSA") from the Panel of Legal Aid Lawyers. The Learned Counsel so appointed informed the SSLSA, that there were no grounds to file the Appeal. Thereafter, the SSLSA appointed the Learned Senior Counsel to be assisted by Mr. Yozan Rai, Advocate, on 07-01-2025, to take up the instant matter. Both Counsel were out of station when they were so appointed and they returned only on 01-02-2025. After perusing the entire case records which were made over to them on 03-02-2025, the Memo of Appeal was prepared on 15-02-2025, the signature of the Appellant was obtained on 17-02-2025 and the Appeal filed on 19-02-2025. That, there was no fault or negligence on the part of the Applicant, the delay having occurred on account of the afore-mentioned grounds which are not *mala fide*. Sufficient cause having been given for the delay,

High Court of Sikkim

Record of proceedings

the delay may be condoned as the matter ought to be considered on its merits.

Learned Public Prosecutor opposing the prayer for condonation of delay submits that the delay from pronouncement of Judgment and Order on Sentence up to 07-01-2025 has not been explained. As such, the Petition ought to be rejected.

We have given due consideration to the rival contentions of the parties. We are of the considered opinion that the Learned Senior Counsel would obviously be unaware of the appointment of Panel Advocate by the SSLSA to represent the Applicant prior to his appointment as Counsel for the Applicant and therefore would not be in a position to detail the grounds for delay for the period from pronouncement of Judgment and Sentence up to 07-01-2025. The delay from the time of his appointment has been, in our considered view, explained with sufficient cause. In the circumstances, we are inclined to and do condone the delay.

I.A. No.01 of 2025 stands disposed of accordingly.

Register the Appeal.

Heard on admission.

Admit the Appeal.

Call for the records from the Learned Trial Court.

Let Paper-Books be prepared.

List on 06-08-2025.

Judge
19-05-2025

Judge
19-05-2025

ds/bp