

**HIGH COURT OF SIKKIM**  
**Record of Proceedings**

**I.A. No. 01 of 2025 in Crl. A./24/2025(Filing No.)**

Rajesh Manger

Applicant

*VERSUS*

State of Sikkim

Respondent

Date : **24-09-2025**

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

For Applicant

Mr. N. Rai, Senior Advocate (Legal Aid Counsel).  
Mr. Yozan Rai, Advocate (Legal Aid Counsel).

For Respondent

Mr. S. K. Chettri, Additional Public Prosecutor.

**ORDER**

Rai, J.

I.A. No.01 of 2025 is an application filed by the Applicant under Section 5 of the Limitation Act, 1963, seeking condonation of 426 days' delay in filing the instant Appeal.

Learned Senior Counsel for the Applicant has admitted that it was on account of inadvertent negligence in his Chambers that although the File was received by his Chambers on 01-04-2024 from the Sikkim State Legal Services Authority (SLSA), however the Counsel who received the File, kept the File amongst other Files and totally forgot about it. That, it came to light that the Appeal had not been filed only when the Applicant contacted the Counsel through the Jail Authorities and enquired about the progress of the case. In the circumstance, as the error and delay is not on account of the Applicant who ought not to suffer for the aforesaid reasons the same may be condoned.

Learned Additional Public Prosecutor objected to the Petition on grounds that the impugned Judgment was pronounced on 07-03-2024 and the File was made over to the Counsel for the Applicant by Sikkim SLSA on 01-04-2024, despite which the Appeal has been filed on 03-06-2025, without showing sufficient cause for the delay to be condoned.

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We have heard Learned Counsel for the parties. We are aware that Section 5 of the Limitation Act, 1963, requires 'sufficient cause' to be explained for the delay. The delay admittedly is not on account of the Applicant's failure to take timely steps but is on account of the forgetfulness of the Counsel in the Chambers of Learned Senior Counsel. In our considered opinion, the Applicant ought not to suffer for the negligence of the Counsel who has honestly admitted to the error. In any event, the delay has been explained with 'sufficient cause' and we are inclined to and do condone the delay.

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

Register the Appeal.

Heard Learned Senior Counsel for the Appellant who is aggrieved by the impugned Judgment dated 07-03-2024, of the Court of the Special Judge (POCSO Act, 2012), at Gangtok, Sikkim, in ST (POCSO) Case No.01 of 2021, vide which the Appellant was convicted for the offences under Section 3(a) punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and under Section 7 punishable under Section 8 of the said Act and sentenced to undergo rigorous imprisonment for a period of twenty years' and to pay a fine of ₹ 2,000/- (Rupees two thousand) only, each, under each of the sections, with default stipulations.

Admit the Appeal.

Call for the records from the Learned Trial Court.

Let Paper-Books be prepared.

List on 24-11-2025.

**Judge**  
24-09-2025

**Judge**  
24-09-2025