

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

**I.A. No. 01 of 2024 in CrI. A./54/2024(Filing No.)**

State of Sikkim

Applicant

*VERSUS*

Lasang Tamang

Respondent

Date : **28-10-2024**

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

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

For Respondent                      Ms. Gita Bista, Advocate (Legal Aid Counsel).

**ORDER**

Rai, J.

Heard on I.A. No.01 of 2024 which is an application under Section 5 of the Limitation Act, 1963, filed by the State-Applicant, seeking condonation of 284 days' delay in filing the Appeal under Section 377(1)(b) of the Code of Criminal Procedure, 1973.

Issue Notice.

Ms. Gita Bista, Learned Counsel for the Respondent is present on behalf of the Respondent and waives formal Notice.

Learned Additional Public Prosecutor submits that reasons for the delay have been specifically detailed in Paragraph 5 of the said Petition. That, when the main case was taken up for hearing on 28-08-2024 (CrI.A. No.06 of 2024 : *Lasang Tamang vs. State of Sikkim*) it came to the notice of the State-Applicant that the Respondent who was convicted under Section 5(j)(ii) and Section 5(l) of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012), had been sentenced to undergo rigorous imprisonment for a term of ten years, each, and fined ₹ 5,000/- (Rupees five thousand) only, each, punishable under Section 6 of the said Act, with default stipulation, however the minimum imprisonment for the said offence is mandated to be not less than twenty years. That, in view of the same

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as an important question of law is involved the instant Petition was filed and that the delay be condoned.

Learned Counsel for the Respondent strongly objects to the Petition.

Considered the grounds and in view of the submissions put forth, we are of the view of that sufficient cause for condoning the delay has been made out. Delay is accordingly condoned.

I.A. No.01 of 2024 stands disposed of.

Register the Appeal.

Heard Learned Additional Public Prosecutor.

Admit the Appeal.

List on 04-12-2024 along with Crl.A. No.06 of 2024 as found convenient by the parties.

**Judge**  
28-10-2024

**Judge**  
28-10-2024

ds/bp/sdl