

HIGH COURT OF SIKKIM
Record of Proceedings

I.A. No.01 of 2023 in CRL.L.P/15/2023/(Filing No.)

State of Sikkim

Applicant

VERSUS

Krishna Prasad Biswakarma and Another

Respondents

Date : **28-08-2024**

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

For Applicant Mr. Yadev Sharma, Additional Public Prosecutor.
Mr. Shakil Raj Karki, Additional Public Prosecutor.

For Respondents

R-1 Ms. Zola Megi, Advocate (Legal Aid Counsel).

R-2 Ms. Gita Bista, Advocate (Pro Bono).
Respondent No.2 present in person.

ORDER

Rai, J.

It is submitted by Learned Additional Public Prosecutor that Respondent No.1 was declared absconder before the Learned Trial Court. Learned Counsel Ms. Zola Megi, who is present in the Court today, has been requested and consents to appear for the absconding Respondent No.1 as Legal Aid Counsel.

Respondent No.2 has entered appearance in person today.

Since Respondent No.2 has no Counsel to represent him, Ms. Gita Bista Learned Counsel, who is present in the Court today, has volunteered to represent Respondent No.2 pro bono.

Heard Learned Additional Public Prosecutor on I.A. No.01 of 2023 which is an application filed by the State-Applicant under Section 5 of the Limitation Act, 1963, seeking condonation of 32 days' delay in filing the Leave Petition and the grounds for the delay have been detailed in the said I.A.

Learned Counsel for the Respondents submit that in view of the grounds given therein they have no objection to the delay being condoned.

HIGH COURT OF SIKKIM
Record of Proceedings

We have considered the submissions and have also considered the grounds for the delay. We are of the view that the delay has been satisfactorily explained. Delay is accordingly condoned.

I.A. No.01 of 2023 stands disposed of accordingly.
Register the Criminal Leave Petition.

Heard on admission.

An application under Section 378(3) of the Code of Criminal Procedure, 1973, has also been filed by the State-Petitioner seeking Leave to Appeal.

Heard Learned Counsel for the parties.
Leave granted.

The Petition stands disposed of accordingly.

Heard on I.A. No. 01 of 2024 which is an application filed by the State-Petitioner under Section 5 of the Limitation Act, 1963, seeking condonation of 32 days' delay in filing the Criminal Appeal.

In view of the submissions in the previous I.A. reflected (*supra*) Learned Counsel for both the Respondents have no objection to the application.

Considered. In view of the reasons given by the Court in I.A. No.01 of 2023, the delay stands condoned accordingly.

I.A. No.01 of 2024 stands disposed of.
Register the Criminal Appeal.

Heard on admission.

Admit the Appeal.

Call for the records from the Learned Trial Court.

Let Paper-Books be prepared.

List on 07-10-2024.

Judge
28-08-2024

Judge
28-08-2024