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Hon'ble Mr. Justice Narendra Kumar Jain, Chief Justice, High Court of Sikkim
Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim

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VACANCIES IN COURTS**(i) Vacancies in the High Court of Sikkim as on 31.03.2014**

Sl. No.	Sanctioned Strength	Working Strength	Vacancies
1.	03	02	1

(ii) Vacancies in the District & Subordinate Courts as on 31.03.2014

Sl. No.	Sanctioned Strength	Working Strength	Vacancies
1.	<p>(i) Sikkim Superior Judicial Service (SSJS) -10</p> <p>(ii) Sikkim Judicial Service (SJS) - 08</p>	<p>(i) SSJS - 8</p> <p>(ii) SJS - 4</p>	<p>(i) SSJS - 2 <i>(1 post of District & Sessions Judge (Spl. Div.-I) & 1 recently created post (in compliance to the decision passed in Brij Mohan Lal Vs. Union of India).</i></p> <p>(ii) SJS - 4 <i>(1 post of CJM-cum- Civil Judge (South & West), 2 posts of Sub Divisional Judicial Magistrate-cum-Civil Judge and 1 post of Civil Judge-cum-Judicial Magistrate. (However filling up of three of these vacancies are under active process.)</i></p>
Total	18	12	06

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**(1) Statement of Main & Misc. Cases in the High Court of Sikkim
from 01.01.2014 to 31.03.2014**

Sl. No	Pending as on 01.01.2014		Institution		Total Disposal		Pending as on 31.03.14	
	Main Case	Misc. Appl.	Main Case	Misc. Appl.	Main Case	Misc. Appl.	Main Case	Misc. Appl.
1	120	36	39	96	24	81	135	51

(2) Statement of main and misc cases in the District & Subordinate Courts of Sikkim (East & North Districts) from 1.01.2014 to 31.03.2014

	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.03.14
	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	
Main Cases	172	38	27	183	429	213	138	504	687
Misc. Cases	90	49	57	82	9	211	207	13	95

(3) Statement of main and misc cases in the District & Subordinate Courts of Sikkim (South & West Districts) from 1.01.2014 to 31.03.2014

	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil Misc. & Criminal Misc. Cases at the end of 31.03.14
	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	
Main Cases	52	86	46	90	136	118	117	137	227
Misc. Cases	36	31	23	44	7	217	203	21	65

(4) Family Court (East & North) at Gangtok from 1.01.2014 to 31.03.2014

	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.03.14
	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	
Main Cases	24	28	29	23	14	6	9	11	34
Misc. Cases	1	0	1	0	6	2	3	5	5

(5) Family Court (South & West) at Gangtok from 1.01.2014 to 31.03.2014

	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.03.14
	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	
Main Cases	13	16	16	13	5	6	2	9	22
Misc. Cases	1	0	0	1	1	2	1	2	3

(6) Lok Adalat Cases from 1.01.2014 to 31.03.2014

Sl. No.	Name of Lok Adalat	Opening Balance as on 1.01.14	Institution from 1.01.14 to 31.03.14	Disposal from 1.01.14 to 31.03.14	Pendency at the end of 31.03.14	Cases returned
1.	High Court Lok Adalat	18	1	6	13	0
2.	District Lok Adalat at Gangtok	61	86	112	22	13
3.	District Lok Adalat at Namchi	2	8	0	9	1
4.	Taluk Lok Adalats at Gyalshing	0	24	22	0	2
5.	Taluk Lok Adalats at Ravangla	0	47	26	16	5
6.	Taluk Lok Adalats at Mangan	0	2	2	0	0
7.	Taluk Lok Adalats at Soreng	0	12	10	2	0
	Total	81	180	178	62	21

SOME RECENT HIGH COURT JUDGMENTS OF PUBLIC IMPORTANCE

- (1) **An appeal should not be rejected merely on the ground of failure to file a copy of the decree:** On 28.02.2014, a Single Bench of the Court in RSA No. 02/2013 (Passang Lepcha & Ors. Vs. Saney Tshering Lepcha) has held that the provisions of amended Order XLI Rule 1 CPC make it permissible for the memorandum of appeal to be accompanied only by a copy of the judgment and the judgment shall have the force of a decree until a decree is drawn by the trial court. There is no denying the fact that non-filing of the copy of a decree is a procedural error. Failure to file a copy of the decree would not result in automatic rejection of an appeal without an opportunity being afforded to the appellant to rectify the defect. It was further held that defects in presentation of appeal should be scrutinized at the initial stage as soon as the appeal is filed and require that such defects be remedied at that stage. But, once the appeal is duly entertained that appeal cannot be dismissed on the ground that at the time of presentation of appeal the same was not accompanied with the certified copy of the decree under appeal and that the only manner in which the defect could be cured is to direct the appellant to file a certified copy of the decree.

- (2) **High Court can interfere with the order of acquittal of the first appellate court if the reasons for interference are compelling and substantial:** On 27.03.2014, a Single Bench of the Court in Crl. Appeal No. 13 of 2013 (Sikkim Social Empowerment Association Vs. Anjan Upadhyaya & Anr.) has held that it is trite that in an appeal against the order of acquittal of the first appellate court, there can be no interference with an order of acquittal unless the approach adopted by the first appellate court in considering the evidence of the case is vitiated by some manifest illegality and is perverse or illegal or erroneous or contrary to the records. It is also trite that the High Court has the power to review the entire evidence upon which an order of acquittal is founded and then to come to its own conclusion, the only caveat being that the reasons for interference under Section 378 Cr. P.C. should be compelling and substantial. The court further held that the principle governing the approach to offence under Sections 153A and 153B IPC is that the article which is said to be offending has to be read as a whole and not be picking out portions of it.

MAJOR DEVELOPMENTS AND EVENTS



(1) SWEARING-IN CEREMONY

In pursuance of Notification No. K. 13031/02/2013-US.I dated 26.12.2013 issued by the Government of India, Ministry of Law & Justice (Department of Justice), Hon'ble Mr. Justice Narendra Kumar Jain, Acting Chief Justice of the High Court of Sikkim was sworn in as the Chief Justice of the High Court of Sikkim on 7th January, 2014.



The Oath of Office was administered by the Hon'ble Governor of Sikkim Shri Shrinivas Patil at Ashirbad Hall, Raj Bhawan in the presence of the Hon'ble Speaker, Shri K.T. Gyaltzen, Hon'ble Cabinet Ministers, Hon'ble Judge, Mr. Justice S.P. Wangdi, dignitaries of the State Government, Judicial Officers and local gentry.



(2) REPUBLIC DAY CELEBRATION



The High Court of Sikkim celebrated Republic Day in its premises on 26th Januray, 2014. Present on the occasion were Judicial Officers, Addl. Advocate General, Sr. Advocates, Members of the Bar, Officers of the Sikkim SLISA, Officers & staff of the Registry, Press and Media.

(3) The written examination for one post of Assistant Registrar was held in the High Court of Sikkim on 9th March, 2014. Thereafter, viva-voce was held on 12.03.2014. The result was also declared the same day.

(3) IMPORTANT VISITS & CONFERENCES

- (1) Hon'ble Mr. Justice Narendra Kumar Jain, Chief Justice, High Court of Sikkim inaugurated a UGC Sponsored *National Seminar on Eco (Sustainable) Tourism in Sikkim : A Legal Perspective* at Janta Bhawan, Gangtok on 8th March, 2014.

- (2) Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim & Executive Chairman, Sikkim SLSA and Director, Sikkim Judicial Academy attended the *Central Authority Meeting* at Judges Lounge, Supreme Court of India, New Delhi on 25th January, 2014.

On 28th January, 2014 his Lordship attended and participated in the Vertical Integration Course (VIC) for IPS Officers at National Level at Dagapur, Matigara, Dist. Darjeeling, West Bengal.

On 22nd February, 2014 his Lordship Shri Justice S.P. Wangdi, Judge visited the Kerala Judicial Academy and interacted with the Hon'ble Partron-in-Chief, Hon'ble President, Director and other Officers of the Academy.

On 8th-9th March, 2014 his Lordship attended the “12th All India Meet of the State Legal Services Authorities” and also the “Central Authority Meeting of NALSA” at Lucknow, Uttar Pradesh. The programme was organized by the Uttar Pradesh State Legal Services Authority and the Government of Uttar Pradesh.

*Glimpses of the Welcome Dinner hosted in honour of
Hon'ble Mr. Justice Narendra Kumar Jain,
Chief Justice in the High Court of Sikkim on 7th January 2014*

