
(2025) 04 SIK CK 0709

In the Sikkim High Court

Case No : I.A. No. 01 Of 2024 In Criminal Leave Petition 49 Of 2024 (Filing No.)

State Of Sikkim

APPELLANT

Vs

Anup

RESPONDENT

Date of Decision : 29-04-2025

Acts Referred:

Citation : (2025) 04 SIK CK 0709

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Shakil Raj Karki, Rahul Rathi

Judgement

Meenakshi Madan Rai, J

None present for the Respondent.

Learned Additional Public Prosecutor submits that when the Investigating Officer (IO) went to serve the Notice on the Respondent not only was he untraceable but the IO also came to learn that he has fled from his given address and that he is a resident of Nepal. Relying on the Orders of this Court, in CRL. L. P. No.01 of 2021 [State of Sikkim vs. Prem Bahadur Biswakarma], dated 14-06-2023 and 09-10-2023, it was submitted by Learned Additional Public Prosecutor that an Amicus Curiae may be appointed to defend the Respondent.

Having heard Learned Additional Public Prosecutor, I have also perused the Orders of this Court (supra) where reference was made to the decision of the Supreme Court in Christopher Raj vs. K. Vijayakumar : (2019) 7 SCC 398, and an Amicus Curiae appointed to defend the Respondent.

Mr. Rahul Rathi, who is a Pro-bono Counsel with the Sikkim State Legal Services Authority, is requested and has given his consent to be the Amicus Curiae for the Respondent.

Let all necessary documents be made available to the Amicus Curiae.

Learned Additional Public Prosecutor to take steps in this regard.
List on 02-05-2025.