



IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Crl. Rev. P.

No. 4

of 2008

THUKCHUK LACHUNGPA

Petitioner / Appellant

Versus

STATE OF SIKKIM

Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	19.08.2008	<p>Present: Mr. K.T. Bhutia, Mr. B.R. Pradhan and Mr. S.S. Hamal, Advocates for the Applicant.</p> <p>Mr. J.B. Pradhan, Public Prosecutor for the State.</p> <p>-----</p> <p>This is an application for revision under Section 397 of the Code of Criminal Procedure directed against an order passed by the learned Sessions Judge, East and North Sikkim at Gangtok on the 18th of August, 2008. The said order is an order of cancellation of bail for violation of a condition of grant of bail.</p> <p>The order itself is a reasoned one running into several pages and the facts are all set out there.</p> <p>Basically a case was started against the contractor, who is the accused and also the petitioner before this Court today, on account of a bridge collapse which took place at Ranipool on 29th May, 2008.</p>	



Order

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The accused is both a contractor under whom the construction was going on and a former minister of the State.

Bail was granted from the very beginning and the conditions were varied and also new conditions were imposed from time to time.

The accused needed some medical treatment, since, on day of the collapse, he was himself injured, but the main reason the case has been filed against him is that four labourers died.

The accused had been allowed by an appropriate order to travel to Delhi for treatment and was then asked by another order not to enter Sikkim thereafter without permission. But even that condition was relaxed, and the only important condition which remained was that he should not visit the site where the incident had occurred.

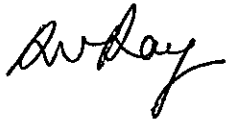
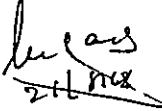
This is the exact condition which he violated on the most important day.

The most important day was 25th July, 2008. It was the most important day because a Committee constituted by the topmost administration of the State, i.e., the Governor himself, was visiting the site with the suspended departmental engineers to make a report.



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		<p>A copy of the letter dated 23rd July, 2008 fixing the inspection was given to the accused for information.</p> <p>The accused chose not to remain content with merely being informed, but went to the site on the day of inspection itself.</p> <p>He participated fully apparently making statements also to the investigating committee.</p> <p>On the 30th July, 2008 cancellation of bail was applied for by the State.</p> <p>There is a letter dated 31st July, 2008, written to the accused, the day after the cancellation of the bail was applied for, (which is issued by the same person who wrote the earlier letter dated 23rd July, 2008 fixing the date 25th July, 2008), giving a wrong statement that the accused was asked to be present on the site. Why this letter should be written by the Additional Secretary on 31st July, 2008 to the accused himself, or why it should be flatly contradictory to his earlier letter of 23rd July, 2008 and also the bail condition, we do not know.</p> <p>It is clear however, that the Court below has committed absolutely no irregularity. A very</p>	
		important condition of the bail was violated on a	



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		<p data-bbox="341 377 1177 584">very important day. If bail is not cancelled even thereafter then the condition might not have imposed at all in the very first place.</p> <p data-bbox="341 609 1177 889">There being no apparent injustice or irregularity which needs immediate or any correction by this Court, the application is rejected.</p> <div data-bbox="779 889 1120 1071"> (A. N. Ray, C.J.) 19-08-2008</div>	<p data-bbox="1226 353 1583 609">A Copy of order forwarded to Sessions Judge (S&D) on 21-8-08 </p>