

# IN THE HIGH COURT OF SIKKIM

## CIVIL JURISDICTION

WP (C) No. 54/2011

Janga Bir Darnal vs. State of Sikkim & Ano.

BEFORE

HON'BLE THE CHIEF JUSTICE

MR. JUSTICE N.K. JAIN

HON'BLE MR. JUSTICE S. K. SINHA, JUDGE

20. 25.07.14 Present: M/s. Arvind Kr. Gupta and Pritima Sunam, Advocates  
(Jain, CJ) for the petitioner.

M/s. A. Mariarputham, Advocate General, J.B. Pradhan, Addl. Advocate General, Karma Thinlay, Sr. Govt. Advocate with S.K. Chettri and Pollin Rai, Asstt. Govt. Advocates for State-respondents.

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Heard learned counsel for the parties.

The petitioner, in this writ petition, has challenged the validity of Notification No.5/HOME/2011 dated 07.01.2011, whereby the Commission of Inquiry headed by Justice R.K. Patra (Retd.) was set up. The matter was listed on 18.07.2014 and on that day this Court directed the learned Addl. Advocate General to place on record the complete report about work status of the said Commission.

In pursuance of aforesaid direction, an additional affidavit has been filed on behalf of respondents No. 1 and 2 on 24.07.2014, wherein it is stated that the Commission set up on 07.01.2011 has submitted its report on

05.03.2014 and on completion of the process and submission of report, the Commission ceases to exist.

In view of above, learned counsel for petitioner agreed that the present writ petition has become infructuous. He, therefore, submitted that he may be permitted to withdraw this writ petition, with liberty to challenge the report of the Commission, in appropriate forum, in accordance with law.

Learned Advocate General fairly submitted that even if this Court does not grant any liberty, the petitioner is always at liberty to challenge the report of the Commission in an appropriate forum, in accordance with law.

In view of these circumstances, the writ petition is dismissed as withdrawn, with liberty, as prayed for.

Judge  
25.07.2014

Chief Justice  
26.07.2014

# IN THE HIGH COURT OF SIKKIM

## CIVIL JURISDICTION

CMA No. 52/2013 in WP (C) No. 54/2011  
Janga Bir Darnal vs. State of Sikkim & Ano.

BEFORE  
HON'BLE THE CHIEF JUSTICE  
MR. JUSTICE N.K. JAIN  
HON'BLE MR. JUSTICE S. K. SINHA, JUDGE

08. 25.07.14 Present: M/s. Arvind Kr. Gupta and Pritima Sunam, Advocates  
(Jain, CJ) for the petitioner.

M/s. A. Mariarputham, Advocate General, J.B.  
Pradhan, Addl. Advocate General, Karma Thinlay, Sr.  
Govt. Advocate with S.K. Chettri and Pollin Rai, Asstt.  
Govt. Advocates for State-respondents.

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In view of the fact that the writ petition itself has  
been dismissed as withdrawn, this Application does not  
survive and the same stands dismissed.

Judge  
25.07.2014

Chief Justice  
25.07.2014

# IN THE HIGH COURT OF SIKKIM

## CIVIL JURISDICTION

CMA No. 55/2013 in WP (C) No. 54/2011  
Janga Bir Darnal vs. State of Sikkim & Ano.

BEFORE  
HON'BLE THE CHIEF JUSTICE  
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Pradhan, Addl. Advocate General, Karma Thinlay, Sr.  
Govt. Advocate with S.K. Chettri and Pollin Rai, Asstt.  
Govt. Advocates for State-respondents.

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In view of the fact that the writ petition itself has  
been dismissed as withdrawn, this Application does not  
survive and the same stands dismissed.

Judge  
25.07.2014

Chief Justice  
25.07.2014