

# **IN THE HIGH COURT OF SIKKIM**

## **CRIMINAL JURISDICTION**

**CrI. M.C. No. 19/2014**  
**Mingma Doma Bhutia vs. Karma Gelay Bhutia**

**BEFORE**

**HON'BLE THE ACTING CHIEF JUSTICE**  
**MR. JUSTICE S.K. SINHA**

**01. 04.12.14** Present: Mr.B.K. Gupta and Mr. Laxy\uman Gurung, Advocates  
for the Petitioner/Convict.

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Heard.

Mr. Gupta, learned counsel for the Petitioner, after arguing for some time, seeks permission to withdraw this Petition filed under Section 482 of the Code of Criminal Procedure with liberty to file a duly constituted Appeal against the Judgment dated 30.04.2014 passed in Private Complaint Case No. 55/2013 by the Chief Judicial Magistrate, East and North Sikkim at Gangtok. However, he submits that the Appeal now would be barred by limitation, therefore, some observations may be made in this regard.

The Petitioner was an accused in Private Complaint Case No. 55/2013. She has been convicted under Section 138 of the Negotiable Instruments Act, 1881 in the said complaint case by the Chief Judicial Magistrate. Presently she is in jail. After the conviction, as alleged,

the parties have entered into a compromise and on the basis of said compromise, it has been settled that on certain conditions the petitioner may be acquitted.

In view of the above, the Petitioner is granted permission to withdraw this Petition with the liberty to file a duly constituted Appeal before the concerned Sessions Court with an Application for condonation of delay in filing the Appeal as also an Application for compounding the offence under Section 320 of the Code of Criminal Procedure.

If such an Appeal is filed, the Application for condonation of delay shall be considered sympathetically, keeping in mind that the Petitioner is in jail and the matter has already been compromised and the offence under Section 138 of the N.I. Act is a compoundable one.

The Certified copy of the impugned Judgment passed by the Chief Judicial Magistrate shall be returned back to the counsel for the Petitioner.

With the above observations, the Petition stands finally disposed of.

Acting Chief Justice  
04.12.2014

at/jk      Index : ~~Yes~~ / No  
Internet : Yes / ~~No~~