

**Suo Motu Transfer Petition (Crl) No. 05/2019**

STATE OF SIKKIM

PETITIONER (S)

VERSUS

KARMA DORJEE SHERPA

RESPONDENT (S)

Date: 10/06/2019**CORAM:****HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.**

For Petitioner (s) : Mr. Karma Thinlay and Mr. Thinlay Dorjee Bhutia, Addl. Public Prosecutors with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors.

For Respondent (s) :

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Learned District & Sessions Judge, South Sikkim at Namchi, has sent a letter bearing Memo No. 34/D&SJ/(S) dated 29.05.2019, wherein he has forwarded a certified copy of the Order dated 20.05.2019, passed by the learned Judicial Magistrate, Jorethang Sub-Division, South Sikkim at Jorethang and the order dated 29.05.2019 passed by him in *General Register Case No. 03 of 2019 : State vs. Karma Dorjee Sherpa*, expressing the difficulty of the learned Judicial Magistrate to proceed with the matter.

2. Learned Judicial Magistrate in her order has stated that once she had conducted the Test Identification Parade and had also been listed as witness for prosecution at serial no. 15. She has stated that it is deemed improper for her to take up the case for trial and disposal in accordance with law.



3. I have considered the order passed by the learned Judicial Magistrate in *General Register Case No. 03 of 2019* and the ground shown by her appears to be correct.

4. Considering the fact that the matter cannot be heard by the learned Judicial Magistrate, Jorethang Sub-Division, South Sikkim at Jorethang, *General Register Case No. 03 of 2019 : State vs. Karma Dorjee Sherpa* is hereby transferred from the Court of Judicial Magistrate, Jorethang Sub-Division, South Sikkim at Jorethang to the Court of Judicial Magistrate, Namchi, South Sikkim at Namchi.

5. Copy of this Order be sent to the learned Sessions Judge, South Sikkim at Namchi, learned Judicial Magistrate, Jorethang Sub-Division, South Sikkim at Jorethang as well as to the learned Judicial Magistrate, South Sikkim at Namchi, forthwith.

6. This Suo Motu Transfer Petition is, accordingly, disposed of.

Chief Justice
10.06.2019

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~

jk/bp