



# High Court of Sikkim

Record of proceedings

## **Crl.A. No.15 of 2021**

Binay Tamang

Appellant

*VERSUS*

State of Sikkim

Respondent

Date : **16-06-2022**

CORAM : **THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**  
**THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Appellant Mr. Gulshan Lama, Advocate (Legal Aid Counsel).

For Respondent Mr. Sudesh Joshi, Public Prosecutor.  
Mr. Thinlay Dorjee Bhutia, Additional Public Prosecutor.

## **ORDER**

Rai, J.

We have heard Learned Counsel for the parties on sentence.

Learned Legal Aid Counsel for the Appellant has no fresh mitigating circumstances to put forth before this Court for considering reduction of sentence imposed by the Learned Trial Court on the Appellant. The only grounds submitted by him are that the Appellant is now forty-one years of age and should he be incarcerated for thirty long years he will be above seventy-one years old when the penalty is completed. That, he should be given an opportunity to integrate and rehabilitate into society at a younger age, after undergoing the minimum sentence of imprisonment prescribed by the provisions of law under which he was convicted. That apart, he is married and has no past criminal antecedents. He fortifies his submissions with ***State of Himachal Pradesh vs. Nirmala Devi*** : (2017) 7 SCC 262.

On the other hand, Learned Public Prosecutor submits that there is no error in the sentencing by the Learned Trial Court in view of the object and purpose of the Statutes and the provisions of law under which he has been convicted.

Having heard Learned Counsel for the parties, in the facts and circumstances placed before us, we are of the considered



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opinion that no fresh mitigating circumstances have been placed for reduction of the sentence imposed on the Appellant.

The sentence of the Learned Trial Court is upheld.

Criminal Appeal No.15 of 2021 stands disposed of accordingly.

Copy of the Judgment and Order on Sentence be transmitted to the Learned Trial Court for information along with its records.

**Judge**  
16-06-2022

**Judge**  
16-06-2022

ds/to