



THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Appellate Jurisdiction)

Dated : 26th July, 2023

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

Crl.A. No.14 of 2023

Appellant : Durga Singh Kami

versus

Respondent : State of Sikkim

Appeal under Section 374(2) of the
Code of Criminal Procedure, 1973

Appearance

Mr. J. B. Pradhan, Senior Advocate (Legal Aid Counsel) with Mr.
D. K. Siwakoti, Advocate (Legal Aid Counsel) for the Appellant.

Mr. S. K. Chettri, Additional Public Prosecutor with Ms. Pema
Bhutia, Assistant Public Prosecutor for the State-Respondent.

ORDER (ORAL)

Meenakshi Madan Rai, J.

- 1.** Heard Learned Senior Counsel for the Appellant.
- 2.** Issue Notice to the State-Respondent.
- 3.** Mr. S. K. Chettri, Learned Additional Public Prosecutor is present for the State-Respondent on advance Notice and waives formal Notice.
- 4.** We have been taken through the impugned Judgment dated 18-05-2023, in Sessions Trial (POCSO) Case No.13 of 2022 (*State of Sikkim vs. Durga Singh Kami*) and the Order on Sentence dated 18-05-2022 (*sic*), of the Learned Special Judge (POCSO), West Sikkim, at Gyalshing, by Learned Senior Counsel for the Appellant. We find that the Learned Trial Court has taken into and given due and correct consideration to the evidence of the Prosecution Witnesses i.e., the victims (P.W.1 and P.W.3) and the



mother of the victims (P.W.2) as also that of the School Head Mistress (P.W.9) and the Panchayat President (P.W.12).

5. We find that the evidence furnished is cogent and convincing and that the act of the Appellant against the victims, have been proved beyond reasonable doubt by the Prosecution evidence.

6. In such circumstances, we are of the considered opinion that the impugned Judgment and Order on Sentence warrants no interference.

7. Consequently, the Appeal stands dismissed and disposed of accordingly.

(Bhaskar Raj Pradhan)
Judge
26-07-2023

(Meenakshi Madan Rai)
Judge
26-07-2023