

**HIGH COURT OF SIKKIM**  
**Record of Proceedings**

**CRL.L.P No.06 of 2024**

STATE OF SIKKIM

PETITIONER

*VERSUS*

BIRENDRA ALIAS CHOLEN AND OTHERS

RESPONDENTS

Date : **14-05-2025**

CORAM :

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

For Petitioner                      Mr. Sujan Sunwar, Assistant Public Prosecutor.

For Respondents                  Mr. Jorgay Namka, Senior Advocate.  
   Mr. Avinash Dewan, Advocate.  
   Ms. Deempal Tamang, Advocate.

**ORDER**

Rai, J.

Heard Learned Assistant Public Prosecutor on the Petition for Leave to Appeal. He submits that the Respondent No.1 was acquitted of the charge under Sections 7, 9(n), 11(i) of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act") and Section 354A(1)(i) of the Indian Penal Code, 1860, while the Respondents No.2 and 3 were acquitted of the charge under Section 21(1) of the POCSO Act, 2012. That, the Learned Trial Court was not convinced that the victim was a sterling witness or that the Respondents No.2 and 3 had failed to inform the concerned authorities, hence the impugned Judgment.

Having heard Learned Assistant Public Prosecutor we are of the considered view that, this matter needs examination. Accordingly, Leave to Appeal is allowed.

Petition disposed of accordingly.

Register the Criminal Appeal.

Heard on admission.

Admit the Appeal.

Call for the records from the Learned Trial Court.

Let Paper-Books be prepared.

List on 25-06-2025.

**Judge**  
14-05-2025

**Judge**  
14-05-2025