

(2011) 09 UK CK 0141

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 808 of 2011 and Stay Application No. 9874 of 2011

Ahmad Ali

APPELLANT

Vs

State of Uttarakhand and Karayat Sah

RESPONDENT

Date of Decision : 20-09-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 379

Citation : (2011) 09 UK CK 0141

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the Petitioner has sought quashing of the First Information Report dated 21.08.2011, registered as F.I.R. No. 137 of 2011, relating to offence punishable u/s 379 I.P.C., Police Station Gadarpur, District Udham Singh Nagar.

3. Two she buffallows are said to have been stolen belonging to the complainant. No date and time of theft is disclosed. First Information Report is delayed one. It is pleaded on behalf of the Petitioner that there is no recovery made from the present Petitioner. Named co accused said to have been already directed to be released on bail.

4. However, considering the nature of 3 offence, and facts and circumstances of the case, this Court is not inclined to interfere with the investigation. Therefore, without expressing any opinion as to final merits of the case, the writ petition is dismissed summarily with the observation that if the Petitioner Ahmad Ali surrenders before the court concerned, his bail application shall be heard and disposed of without unreasonable delay. (Stay Application No. 9874 of 2011, also

stand disposed of).