

(2022) 07 UK CK 0151

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1311 Of 2022

Akhilesh Singh And Pawan Kumar Dhawan

APPELLANT

Vs

State Of Uttarakhand An Another

RESPONDENT

Date of Decision : 29-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 420, 511
Disaster Management Act, 2005, — Section 53

Citation : (2022) 07 UK CK 0151

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vaibhav Singh Chauhan, Mamta Bisht

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicants – accused persons, namely, Akhilesh Singh and Pawan Kumar Dhawan have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the following reliefs: -

To quash the impugned First Information Report No.162 of 2021 along with impugned charge-sheet and the entire proceedings of Criminal Case No.139 of 2022, "State vs. Manager Pawan Kumar Dhawan and Others".

OR

To decide the present criminal miscellaneous application with the direction to the applicants to seek bail in the light of the judgment dated 11.07.2022 of the Hon'ble Supreme Court in "Satender Kumar Antil vs. Central Bureau of Investigation and Another", (2021) 10 SCC 773.

2. Heard Mr. Vaibhav Singh Chauhan, learned counsel for the applicants and Ms. Mamta Joshi, learned Brief Holder for the State.

3. Subsequent to the submission of the charge-sheet, the trial court took the cognizance and passed the summoning order under Sections 120B, 420/511 of IPC and Section 53 of the Disaster Management Act, 2005, against the present applicants – accused persons.

4. Mr. Vaibhav Singh Chauhan, the learned counsel appearing for the applicants – accused persons submitted that the first relief, as prayed in the main application, filed under Section 482 of the Code of Criminal Procedure, 1973, is not being pressed by the applicants. He further submitted that the applicants were not arrested during the investigation, and, they cooperated throughout in the investigation including appearing before the Investigating Officer, whenever they were called.

5. The learned counsel for the applicants – accused persons submitted that the applicants are requesting to dispose of the present matter by directing the concerned court to decide the bail application of the applicants, providing them the benefit of the judgment of the Hon'ble Supreme Court in Satender Kumar Antil (Supra).

6. The learned counsel appearing for the State submitted that the applicants were not arrested during the investigation and they cooperated throughout the investigation.

7. Having heard the learned counsel for the parties, the first relief as claimed in the main application, under Section 482 of the Code of Criminal Procedure, 1973, is rejected as not pressed, and, it is directed that, in case, the present applicants – accused persons move applications for bail, the concerned court shall consider the same following the guidelines, formulated by the Hon'ble Supreme Court in Satender Kumar Antil (Supra).

8. The present Criminal Miscellaneous Application (No.1311 of 2022), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of accordingly.