
(2016) 01 UK CK 0003

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 43 of 2016.

Amar Singh Rana

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 11-01-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 409, 420

Citation : (2016) 94 ACrC 454 : (2016) 163 AIC 888

Hon'ble Judges : Sudhanshu Dhulia, J.

Bench : Single Bench

Advocate : Niranjan Bhatt, Advocate, for the Appellant; Mamta Joshi, Brief Holder, for the Respondent

Final Decision : Disposed off

Judgement

Sudhanshu Dhulia, J. (Oral) - Mr. Niranjan Bhatt, Advocate, present for the petitioner.

2. Ms. Mamta Joshi, Brief Holder, present for the State/respondent Nos. 1 and 2.

3. The First Information Report has been lodged by respondent no. 3 against the present petitioner, which has been registered as Case Crime No. 09 of 2014, under Sections 409 and 420 of IPC, at Police Station-Kotwali, District-Uttarkashi. Apprehending his arrest, the petitioner has approached this Court for relief.

4. The first information report, which is primarily against the two persons, namely, Shri C.V. Singh, who is erstwhile Secretary of the Cooperative Society and Shri S.K. Verma, who is erstwhile Administrator of the Society, where the allegations are of misappropriation of fund and embezzlement. The name of the petitioner is not mentioned in the First Information Report, though, at the relevant time he was also working as a Clerk in the said Society. Now after more than 1? years the present petitioner has also been harassed and there is an imminent danger of his arrest.

5. This Court has been informed by the counsel for the petitioner that another co-accused, namely, Mr. C.V. Singh had already approached this Court being WPCRL No.666 of 2014, in which this Court stayed the arrest of the petitioner (Shri. C.V. Singh).
6. Considering the nature of offence, an interference is being called for in the matter.
7. As an interim measure, it is provided that though the investigation may go on but until further orders of this Court or till filing of the charge sheet, whichever is earlier, petitioner shall not be arrested nor any coercive measure shall be taken against him in pursuance of the Case Crime No. 09 of 2014, under Sections 409 and 420 of IPC, at Police Station-Kotwali, District-Uttarkashi, provided the petitioner cooperate in the investigation.
8. Issue notice to the respondent no.3. Steps to be taken within a week.
9. Three weeks time is granted to the respondents to file counter affidavit. Three weeks time is granted to the petitioner to file rejoinder affidavit thereafter.
10. List this matter after seven weeks in the daily cause list.
11. Stay application (481 of 2016) stands disposed.
12. Urgency application (IA No.164 of 2016) stands disposed.