

(2011) 02 UK CK 0059

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 182 of 2011

Balwant Singh, Bhajan Singh and Malkeet Singh

APPELLANT

Vs

Janrail Singh

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 504

Citation : (2011) 02 UK CK 0059

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973 (for short Cr.P.C.), the Petitioners have sought quashing of the proceedings of Criminal Complaint Case No. 395 of 2010, Janrail Singh v. Malkeet Singh and Ors. relating to offences punishable u/s 323, 504 of I.P.C., pending in the court of Judicial Magistrate, Khatima.

3. Learned Counsel for the Petitioners submitted that the Petitioners are innocent and they have been falsely implicated in the criminal case. It is also pleaded that the injury said to have been caused does not appear to be supported by the medical evidence. I have gone through the contents of the criminal complaint and perused the other papers on record, on the basis of which the trial court has summoned the accused, in respect of offences punishable u/s 323 and 504 of I.P.C. This Court finds that there was sufficient material before the trial court for summoning the accused. However, as to whether the Petitioners are actually guilty or not, it is for the trial court to see after recording evidence of the parties. This Court cannot decide innocence of the Petitioners in its jurisdiction u/s 482 of Code of Criminal Procedure

4. Therefore, without expressing any opinion as to the final merits of the case, the petition u/s 482 of Cr.P.C is dismissed with the observation that if the Petitioners, namely Balwant Singh, Bhajan Singh and Malkeet Singh are not on bail and surrender before the court concerned, their bail application shall be heard and disposed of without unreasonable delay.