

(2011) 07 UK CK 0159

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 653 of 2011

Dr. Adesh Kumar

APPELLANT

Vs

State of Uttarakhand and Shankar Sarkar (Tantrik)

RESPONDENT

Date of Decision : 25-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2011) 07 UK CK 0159

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 Code of Criminal Procedure, 1973 (for short Code of Criminal Procedure) the Petitioner has sought quashing of the proceedings of criminal complaint case No. 2121 of 2007, criminal complaint case No. 227 of 2007, and criminal complaint case No. 201 of 2008, all the three filed by Respondent No. 2 Shankar Sarkar against the Petitioner Dr. Adesh Kumar.

3. The criminal complaints relate to the offence punishable u/s 138 Negotiable Instruments Act, 1881, and in respect of three different cheques. Factual pleas of innocence are raised by the Petitioner. Summoning orders of the year 2008 are being challenged after a period of three years in the year 2011.

4. This Court in its jurisdiction u/s 482 Code of Criminal Procedure, is not inclined to look into the factual pleas of innocence raised by the Petitioner (accused). It is the trial court who should examine such pleas, if raised by the Petitioner, after the evidence is recorded on the plea.

5. In the above circumstances, without expressing any opinion as to final merits of the case, this Court is of the view that it is not a fit case in which interference of this Court is required with the trials pending before the trial court. Therefore,

the petition u/s 482 Code of Criminal Procedure, is dismissed summarily.