

(2020) 08 UK CK 0052

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 1344 Of 2020

Gulfam

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 28-08-2020

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2020) 08 UK CK 0052

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Abhishek Verma, J.S. Virk

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. This writ petition is filed seeking for a writ, order or direction in the nature of certiorari to quash the First Information Report No. 406 of 2020 dated 18.08.2020 under Section 3/7 of the Essential Commodities Act, 1955 registered at Police Station Kashipur, District Udham Singh Nagar, with a stay application to stay the arrest the petitioner pursuant to the said FIR.
2. Shri J.S. Virk, learned deputy advocate general appearing on behalf of the State Government, submits that, by virtue of amendment to the Code of Criminal Procedure (Uttarakhand Amendment), 2019 brought about by the State in Act No. 22/2020, the affected persons are entitled to seek bail apprehending arrest under the provisions of Section 438 of Cr.P.C. The same was brought into effect from August 11, 2020.
3. In view of the submission made, I do not find it expedient to proceed further with the matter, since the petitioner has an alternate and efficacious remedy.
4. However, in order to protect the petitioner's interest, the respondents are

directed not to arrest the petitioner for a period of 15 days' from today so as to enable him to approach the appropriate court seeking appropriate relief.

5. With these observations, the writ petition is disposed-off.