
(2014) 07 UK CK 0025

In the Uttarakhand High Court

Case No : Criminal Misc. Application No. 725/2014

Jeewan Bala Bhatia

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 16-07-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 313, 482

Citation : (2014) 07 UK CK 0025

Hon'ble Judges : Servesh Kumar Gupta, J

Bench : Single Bench

Advocate : Siddhartha Shah, Advocate for the Appellant; V.K. Jemini, Dy. Advocate Gen. (Cri.), Advocate for the Respondent

Final Decision : Dismissed

Judgement

Servesh Kumar Gupta, J.—The applicant has invoked the powers of the Court u/s 482 of Cr.P.C., seeking direction to the Trial Court to allow her application dated 12.12.2013. Such application entailed the prayer of stopping the Trial. It was also prayed that the Court should ask for the further investigation and to send the voice samples of all the accused persons to compare with their voice recorded by S.T.F. during the initial stage of investigation.

2. In this background, Smt. Jeewan Bala Bhatia (widow of deceased) moved the application before the Director General of Police on dated 03.09.2013 with the same request, nay request to make the orders for further investigation by some honest and responsible officers or by C.B.C.I.D. When she could not get any favourable response from Director General of Police, she moved the application on dated 12.12.2013 in the Court but the learned Trial Judge rejected the same.

3. I have read the impugned order passed by the learned Additional Sessions Judge and feel that no infirmity has been committed by the Trial Court in the impugned order for the reason that this application was neither moved by the SHO of concerned Police Station nor by the Investigating Officer, who submitted

the charge-sheet. Moving such application at the fag end of the Trial, when the entire evidence of all the prosecution witnesses has been recorded and the case was fixed for statement u/s 313 of Cr.P.C. on 05.07.2014, which too now, in all probabilities, would have been recorded.

4. Learned counsel has relied upon the precedent of the case of Hasanbhai Valibhai Qureshi Vs. State of Gujarat and Others, wherein, the Hon''ble Apex Court has held that when a further investigation is warranted, the hands of the Investigating Agency or the Court should not be tied down on the ground that further investigation may delay the trial, as the ultimate object is to arrive at the truth.

5. Learned counsel for the applicant has also argued that D.I.G., Garhwal Range, Uttarakhand, vide letter dated 11.11.2013 has issued some favourable orders. The Court feels that such order was passed without appreciating the real facts and exigencies of the trial. I think that the order passed by D.I.G. is quiet misconceived and without mentioning any substantial reason. So, it is ignorable and thus, ignored.

6. Undoubtedly, mere cause of delay by itself, may not be a ground to restrain the course of further investigation and that the same can be directed even at the fag end of the trial but at the same time, the Court has to take into consideration, its wide impact and ramification before making such orders. The learned Judge has already considered this precedent in the impugned order. Rather, the relevant law has been laid down by the Hon''ble Apex Court in the case of "Rita Nagh Vs. State of West Bengal, 2010(70), SCC, Page No. 571", which has been disclosed in the judgment under challenge. I do not think any reason (muchless cogent one) for further investigation and asking the accused persons to give their voice samples and send to laboratory, it will make unnecessary delay in the trial.

7. Thus, I do not find any force in this petition and it is hereby dismissed in limine.