
(2012) 05 UK CK 0066

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 440 of 2012

Km. Heena Siddiqui

APPELLANT

Vs

State of Uttarakhand and Sri Manish Kumar Tyagi Additional
Social Welfare Officer, Roorkee District Hardwar

RESPONDENT

Date of Decision : 03-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 409

Citation : (2012) 05 UK CK 0066

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Ajay Veer Pundir, for the Appellant; B.S. Parihar, Brief Holder,
present for the State., for the Respondent

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard. By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973, the petitioner has sought quashing of the proceedings of Criminal Case No. 6258 of 2011, State vs. Km. Heena, relating to offence punishable u/s 409 of I.P.C., Police Station Kotwali Roorkee, pending in the court of Additional Chief Judicial Magistrate, Roorkee.

2. Learned counsel for the petitioner submitted that petitioner is Principal of private school and she has not been entrusted with the sum said to have been misappropriated.

3. However, perusal of the First Information Report discloses that the same was lodged by Assistant Social Welfare Officer Roorkee, against the Principal of the school alleging that for the year 2007-2008 total amount of Rs. 1,50,000/- was granted by the Social Welfare Department to the school for disbursement of scholarship to the students out of which Rs. 58,800/- were found misappropriated.

4. Learned counsel for the petitioner drew attention of this Court to the copy of communication dated 13.07.2007 (copy annexure-2), sent by District Social Welfare Officer to the District Education Officer from which it appears that the scholarship were to be disbursed by opening saving account of the students in the Post Office concerned. In this connection, it is argued that the Principal has not received the amount.

5. However, having considered submissions of learned counsel for the petitioner, and learned counsel for the State, and after going through the papers on record, it appears to be a case where the trial court has to examine the evidence to come to the conclusion as to whether actually the petitioner had received the amount which was required to be disbursed to the students by opening their accounts or not. This court in its jurisdiction u/s 482 of Cr.P.C., cannot decide such plea on the basis of half baked evidence before it. Therefore, without expressing any opinion as to final merits of the case, the petition u/s 482 of Cr.P.C., is dismissed summarily with the observation that if the petitioner Km. Heena Siddiqui surrenders before the court concerned, her bail application shall be heard and disposed of without unreasonable delay, keeping in mind that she is a woman, and that she has pleaded that the amount in question was not received by her.