
(2011) 11 UK CK 0067

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 1034 of 2011

Km. Rehana

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-11-2011

Acts Referred:

Criminal Law (Amendment) Act, 1932 — Section 7
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 148, 149, 225, 309

Citation : (2011) 11 UK CK 0067

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 Cr.P.C., the petitioner has sought quashing of proceedings of Criminal Case No. 2334 of 2004, State Vs. Moulana Masud Madni and others, relating to offences punishable u/s 147, 148, 149, 353, 336, 504, 506, 225, 511 of I.P.C., and one punishable u/s 7 of Criminal Law Amendment Act, Police Station- Kotwali Jawalapur, District Haridwar.

3. It is a case of taking away an arrested accused from the lawful custody of the Police, after attacking the police party. The trial is pending since 2004. In the petition the plea of alibi has been taken by the petitioner. It is also submitted that the person who was arrested (father of the present petitioner) has already been acquitted from the charge of offence punishable u/s 309 I.P.C. (in a separate trial).

4. Having considered submissions of Learned Counsel for the petitioner and the Learned Counsel for the State and after going through the papers on record, in the facts and circumstances of the case, this Court is not inclined to interfere with the trial of the case.

5. Therefore, petition u/s 482 of Cr.P.C is dismissed summarily, with the observation that if the petitioner Km. Rehana, surrenders within 15 days from today 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 her marriage is said to be scheduled to be solemnized on 27th of December,2011.