
(2019) 03 UK CK 0048

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 984 Of 2012

Mahesh Ranjan Mukherjee

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 482
Indian Penal Code, 1860 — Section 323, 384, 504, 506

Citation : (2019) 03 UK CK 0048

Hon'ble Judges : R.C. Khulbe, J

Bench : Single Bench

Advocate : M.K. Ray, J.S. Virk, D.K. Sharma

Judgement

R.C. Khulbe, J

1. The present petition, under Section 482 Cr.P.C., has been filed by the petitioner for setting aside the summoning order dated 11.7.2012 and quashing the charge-sheet dated 5.6.2012 along with the entire proceedings of Criminal Case No.2978 of 2012, pending before the Court of CJM, U.S. Nagar.

2. The factual matrix of the case is that the respondent Sukhvinder Singh lodged an FIR on 27.3.2012 at RoP SIDCUL (Rudrapur) District U.S. Nagar against the present applicant Mahesh Ranjan Mukherjee, with the allegations that on 27.3.2012 at about 1:18 PM, he received a phone call on his mobile no.9837031604 from mobile no.9458965389 by a person who introduced himself as Mahesh Mukherjee, and who directed the complainant to reach at the petrol pump with Rs.40,000/-; in case of failure, the complainant was threatened that his contracts in SIDCUL would be cancelled and a strike would be caused in his companies. The complainant reached at the spot at 1:35 PM. At the same time, the petitioner Mahesh Mukherjee along with his associates committed Marpit, abused the complainant and threatened him of dire consequences. In the meantime, the passers-by Meenu, Dharendra Mishra, Ram Tiwari and C.P. Sharma reached there and on their intervention, the petitioner run away after extending

the threats.

3. After lodging of FIR, the concerned police started investigation, after culmination of which, a charge-sheet was submitted against the present petitioner Mahesh Ranjan Mukherjee under Sections 323/504/506/384 IPC.

4. On the basis of the charge-sheet and the evidence collected during investigation, learned CJM, U.S. Nagar took cognizance against the petitioner under the aforesaid sections on 11.7.2012. Aggrieved by this, the present petition has been filed under Section 482 Cr.P.C. by the petitioner seeking to set aside the summoning order and quashing the charge-sheet and the criminal case pending against him before the Court of CJM, U.S. Nagar.

5. Heard learned Counsel for the parties and perused the material available in the file.

6. It is argued by learned Counsel for the petitioner that the FIR was falsely lodged against the petitioner; there is no such offence committed by the petitioner against the respondent no.2; the petitioner is a practicing lawyer at Rudrapur; on 27.3.2012 when the petitioner was returning from Labour Court and was taking snacks, suddenly some people, armed with Lathis, Dandas and pistols, came and started committing Marpit with him; they also threatened the petitioner of dire consequences; petitioner sustained grievous injuries due to the aforesaid incident and immediately, and he sent an application to the concerned police station but unfortunately, no action was taken by the police.

7. In the FIR, the respondent Sukhvinder Singh has given the mobile number from which he received the ransom call on 27.3.2012. During investigation, the eyewitnesses Meenu, Dhirendra Mishra, Sri Ram Tiwari and C.P. Sharma have given their evidence to the Investigating Officer. All the witnesses have given their statements as per the FIR. On the basis of these evidences recorded during investigation under Section 161 Cr.P.C., the concerned I.O. has submitted the charge-sheet against the petitioner under Sections 323/504/506/384 IPC.

8. Although, there is no medical evidence on record but other allegations are there against the present petitioner. At this premature stage, the Court cannot go into the merits of the case, but on the basis of the evidence produced by the prosecution which was recorded during investigation, certainly, a prima facie case is made out against the present petitioner. On the basis of evidence only, learned C.J.M., took cognizance against the petitioner and summoned him to face the trial.

9. Prima facie, I do not find any illegality or irregularity committed by the Court below nor do I find any merit in this petition. The petition is bereft of any merit and is, accordingly, dismissed.

10. Since the matter pertains to the year 2012, the Trial Court is directed to conclude the trial at the earliest possible but not later than six months from the date of production of a certified copy of this order.

11. However, it is observed that in case any bail application is moved by the petitioner before the Court below, the same shall be considered on its own merits, preferably on the same day, considering the facts of the case.

12. Pending application, if any, stands disposed of.

13. A copy of this order be sent to the Court below for information,