
(2012) 02 UK CK 0009

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 105 of 2012

Major Harcharan Singh

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 17-02-2012

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7

Citation : (2012) 02 UK CK 0009

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Judgement

Hon"ble V.K. Bist, J.—Heard learned counsel for the parties.

2. Issue notice to respondent No. 3 to be returnable at an early date.

3. By means of the present writ petition, the petitioner has prayed for a writ of certiorari for quashing FIR No. 31 of 2012 u/s 3/7 of Essential Commodities Act dated 19.1.2012 lodged at P.S. Kotwali Kashipur, District Udham Singh Nagar. Further, the petitioner has sought a writ of mandamus directing the respondents not to arrest the petitioner in respect of FIR No. 31 of 2012 u/s 3/7 of Essential Commodities Act lodged at Police Station Kotwali Kashipur, District Udham Singh Nagar, Uttarakhand.

4. Brief facts giving rise to the present writ petition are that a tractor (No. URN 5221) along with trolley was caught in front of Captain Rice Mill Aliganj Road, Kashipur, District Udham Singh Nagar by the Police on the complaint of one Shailesh Nath Tiwari and an FIR was lodged against unknown tractor driver of the said tractor on 19.1.2012 u/s 3/7 of Essential Commodities Act. In the first information report, it was alleged that there were 296 bags of rice in the name of Balwant Rice Industries and each bag was containing 50 kilograms of rice. On 14.2.2012, one news item has been published in the newspaper, due to which, the petitioner apprehends that the police may arrest him. The petitioner obtained the certificate from the Senior Seeds Inspector Kashipur, District Udham Singh

Nagar that Major Har Charan Singh has neither applied for any licence nor he is having any licence. The petitioner also obtained a certificate from the Commercial Tax Department that he is not having any registration or partnership in any firm.

5. Learned Brief Holder prays for and is granted three weeks" time to file counter affidavit.

6. List this matter in the week commencing 19th March, 2012.

7. Considering all the aspects of the matter, it is directed that till the next date of listing, the petitioner shall not be arrested in connection with FIR No. 31/2012 u/s 3/7 of Essential Commodities Act lodged at Police Station Kotwali Kashipur, District Udham Singh Nagar, Uttarakhand, provided he cooperates with the investigation.

8. Stay application (CLMA No. 849 of 2012) as well as urgency application (IA No. 907 of 2012) stands disposed of.