
(2017) 12 UK CK 0025
In the Uttarakhand High Court
Case No : 2001 of 2017

Mohit Verma & others

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 12-12-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 363](#) -
Punishment for kidnapping

Citation : (2017) 12 UK CK 0025

Hon'ble Judges : Sudhanshu Dhulia

Bench : Single Bench

Advocate : M.S. Bisht, Sudhir Kumar Chaudhary, Sachin Panwar

Final Decision : Disposed

Judgement

1. Mr. M.S. Bisht, Advocate, present for the petitioners.
2. Mr. Sudhir Kumar Chaudhary, Deputy Advocate General, present for the State/respondent Nos.1 & 2.
3. Mr. Sachin Panwar, Advocate, present for the complainant.
4. The First Information Report has been lodged by respondent No. 3 which has been registered as Case Crime No.08 of 2017, under Section 363 of IPC, at Police Station- Mun-Ki-Reti, District- Tehri Garhwal implicating the present petitioners. Apprehending their arrest, the petitioners have approached this Court for relief.
5. The daughter of the complainant/respondent No.3 who was allegedly kidnapped by petitioner No.1 returned after two days and the first information report was lodged on 28.10.2017 after one month of the alleged incident.
6. Considering the overall facts and circumstances of the case and the nature of offence, an interference is being called for by this Court in the matter.
7. As an interim measure, it is provided that though the investigation may go on

but until further orders of this Court or till filing of the charge sheet, whichever is earlier, petitioners shall not be arrested nor any coercive measures shall be taken against them in pursuance of Case Crime No.08 of 2017, under Section 363 of IPC, at Police Station- Mun-Ki- Reti, District- Tehri Garhwal provided the petitioners cooperate in the investigation.

8. Respondents shall file counter affidavit within a period of three weeks.

9. List this matter on 21.02.2018 in the daily cause list.

10. However, it is made clear that the above relief is subject to the cooperation of the petitioners in the investigation. In case, the petitioners do not cooperate in the investigation, it will be the duty of the respondents to bring this fact to the notice of this Court so that appropriate orders be passed.

11. Stay application (CLMA No.16172 of 2017) stands disposed.