

(2011) 12 UK CK 0033

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1182 of 2011

Nagendra Brahmchari Chela Brahmleen Anand Swaroop
Brahmchari

APPELLANT

Vs

The State of Uttarakhand

RESPONDENT

Date of Decision : 29-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 — Section 2, 3

Citation : (2011) 12 UK CK 0033

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973, (for short Cr.P.C.), the petitioner has sought quashing of the charge sheet arisen out of crime no. 411 of 2007, State vs. Nagendra Brahmchari, relating to offence punishable u/s 2/3 U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Jwalapur, District Hardwar.

3. Perusal of the charge sheet shows that gang was being operated under the leadership of the petitioner with one Munnawar Hasan and Matloob. The petitioner has a criminal history of the years 1999, 2002 and 2005.

4. Learned counsel for the petitioner pleaded that the petitioner has already been acquitted in the cases of the years 1999, 2002 and 2005. It is also alleged that earlier in the crime in question final report was submitted, but later allegedly under influence of certain persons charge sheet is said to have been filed. In reply to this, learned counsel for the State submitted that the matter was reinvestigated and thereafter charge sheet was filed.

5. Having considered submissions of learned counsel for the parties, and after going through the papers on record, without expressing any opinion as to final merits of the case, this Court is not inclined to interfere with the trial of the case.
6. Accordingly, the petition u/s 482 Cr.P.C., is dismissed summarily.