
(2010) 09 UK CK 0021

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 784 of 2010

Nar Singh Narayan Dube

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 16-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 302, 394

Citation : (2010) 09 UK CK 0021

Hon'ble Judges : Prafulla C. Pant, J; Nirmal Yadav, J

Bench : Division Bench

Judgement

1. Sri Birendra Singh Adhikari, Advocate present for the petitioner.
2. Sri S.S. Adhikari, A.G.A. present for the State/respondents.
3. By means of this petition moved under Article 226 of the Constitution of India, the petitioner has sought a writ in the nature of mandamus commanding the respondent No. 1 for taking decision on the representation (annexure No. 8 to the petition) for transfer of investigation of Crime No. 788 of 2006, Police Station Kotwali Nagar, Haridwar to the Central Bureau of Investigation.
4. Heard.
5. Perusal of the papers on record shows that one Jagan Nath Tiwari (not impleaded as party) lodged first information report against accused namely Satya Prakash, Amit Kumar, Pappu and Anil Kumar (None impleaded as party in the writ petition), relating to the offences punishable u/s 302, 394 IPC at police station Kotwali Nagar, Haridwar which was registered as Crime No. 788 of 2006. Annexure No. 3 to the writ petition further shows that after investigation, police submitted chargesheet against Satya Prakash, Amit and Pappu, and they are facing trial. Copy of order dated 19.08.2009 passed by this Court in Writ Petition (Criminal) No. 337 of 2008 (copy of annexure No. 7 to the writ petition) shows that earlier also the present petitioner filed a writ petition with the prayer that

the investigation be transferred to CBI. The said writ petition was dismissed by this Court after hearing the parties. However, it is observed while dismissing the petition that petitioner may make representation to the State Government.

6. The representation made by the petitioner, is not under any Statute.

7. Having gone through the papers on record and after considering the submissions of learned Counsel for the parties, this Court is not inclined to issue any mandamus sought by the petitioner in this petition. Accordingly, without prejudice of the rights of the parties, this writ petition is summarily dismissed.