

(2010) 08 UK CK 0059
In the Uttarakhand High Court

Noor Jahan

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 307, 376, 506

Citation : (2010) 08 UK CK 0059

Hon'ble Judges : Nirmal Yadav, J;B.C.Kandpal, J

Bench : Division Bench

Judgement

1. By way of this writ petition under Article 226 of the Constitution of India, the petitioner has prayed for issuing a writ in the nature of mandamus commanding the respondents for transfer of investigation in case crime No. 62/2010 u/s 376, 307, 506 IPC registered at P.S. Raiwala District Dehradun from present investigating officer to any other investigating officer of the district.
2. Heard Mohd. Safdar, learned Counsel for the petitioner, Sri S.S. Adhikari, learned A.G.A. for the State/respondent Nos. 1 to 3 and perused the record.
3. Having considered the submissions raised by the learned Counsel for the petitioner, we are of the view that it is not a case in which any writ in the nature of mandamus commanding the respondents can be issued for transferring the investigation from present investigating officer to any other investigating officer of the district. However, our attention has been invited towards the representation made by the petitioner before S.S.P., Dehradun which is annexed as annexure No. 3 to the writ petition and on the basis of this it appears that petitioner has already requested to S.S.P., Dehradun for transfer the investigation from present investigating officer to any other investigating officer of the district. Learned Counsel for the petitioner has also submitted that no action by the S.S.P. has yet been taken. Therefore, we direct S.S.P., Dehradun to pass an appropriate order on the representation (annexure No. 3 to the writ petition) made by the petitioner.

4. With the aforesaid observations, the petition is disposed of finally.