
(2011) 02 UK CK 0096

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 90 of 2011

Om Prakash Gupta

APPELLANT

Vs

State of Uttarakhand and Dulab Ram

RESPONDENT

Date of Decision : 23-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 482

Penal Code, 1860 (IPC) — Section 323, 452, 504, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(1)

Citation : (2011) 02 UK CK 0096

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

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 proceedings of Criminal Case No. 3495 of 2010 State v. Navin Gupta and Ors., relating to offences punishable u/s 452, 323, 504 and 506 I.P.C, and Section 3(1)(x)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, pending in the court of Additional Chief Judicial Magistrate, Ist Dehradun.

3. Learned Counsel for the Petitioner submitted that it is abuse of process of law to implicate the Petitioner in the criminal case in question for the reason that from the First Information Report as well as from the statement of the witnesses recorded u/s 161 of Cr.P.C., allegations are made only against the accused Navin Gupta, Neeraj Gupta and Annu. It is contended that the Petitioner's name has been added in the charge sheet simply because he is father of the accused Navin Gupta and Neeraj Gupta.

4. Admit the petition.

5. Learned Counsel for the State prays for and is allowed six weeks time to file

the counter affidavit.

6. Issue notices to Respondent No. 2 Dulab Ram, who may file his counter affidavit within a period of six weeks.

7. Having submissions of learned Counsel for the Petitioner and learned Counsel for the State, and after going through the papers on record, as an interim measure it is directed that the trial as against the present Petitioner Om Prakash Gupta, shall remain stayed until further order of this Court. However, it is made clear that the trial court may proceed with the trial in respect of the other accused named in the charge sheet.

8. List after six weeks.