
(2011) 12 UK CK 0100

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application no. 1179 of 2011

Praveen Goyal

APPELLANT

Vs

State of Uttarakhand and Manoj Kumar Pant

RESPONDENT

Date of Decision : 28-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 420, 467, 468, 471

Citation : (2011) 12 UK CK 0100

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 proceedings of criminal case no. 8234 of 2008, State vs. Sanjay Ghai and others, relating to offences punishable u/s 420, 467, 468, 471, 120B IPC, pending in the court of Additional Chief Judicial Magistrate (Ist) Dehradun.

3. Learned counsel for the petitioner submitted that petitioner is bona fide purchaser of the property in question. It is pointed out that before the sale deed was executed in favour of the petitioner, he checked the entry in the revenue records.

4. However, on going through the papers on record, this Court finds that it is a case in which complicated questions of fact are involved, and it is not clear if the transferrers were owners of the property in question. In such matters, factual pleas raised by the petitioner cannot be examined by this Court in its jurisdiction u/s 482 Cr.P.C., on the basis of half baked evidence before it. It is for the trial court to examine such pleas if raised before it after recording of the evidence. The case is already pending since 2008, and summoning order is being

challenged after a period of three years.

5. In the above circumstances, this Court is not inclined to interfere with the trial of the case. Accordingly, without expressing any opinion as to final merits of the case pending before the trial court, the petition u/s 482 of Cr.P.C., is dismissed summarily with the observation that if the petitioner Praveen Goyal surrenders before the court concerned his bail application shall be heard, and disposed of without unreasonable delay.