

(2011) 04 UK CK 0082

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 285 of 2011 and Interim Relief Applcn. No. 2999 of 2011

Puneet Sharma

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 156(3)

Citation : (2011) 04 UK CK 0082

Hon'ble Judges : Servesh Kumar Gupta, J; Prafulla C. Pant, J

Bench : Division Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the Petitioner has sought mandamus directing the police (Station House Officer, Police Station Muni ke Reti, Tehri Garhwal), to register the criminal case in compliance of order dated 27.08.2008, passed by Chief Judicial Magistrate, Tehri Garhwal, u/s 156(3) of Code of Criminal Procedure.

3. Perusal of Annexure 2 to the writ petition shows that an application was moved u/s 156(3) of Code of Criminal Procedure by writ Petitioner Puneet Sharma in which Chief Judicial Magistrate, vide its order dated 27.08.2008, directed Station House Officer, Police Station Muni ke Reti, Tehri Garhwal to register the crime and investigate the same. Endorsement made by the reader further shows that the application with the order was sent to the police station for compliance on 27.08.2008. Learned Counsel for the writ Petitioner states that the writ Petitioner is still roaming from pillar to post and yet the police has failed to take any action in compliance with the order passed by the Chief Judicial Magistrate.

4. A counter affidavit shall be filed by the Respondent no 2 within two weeks from today explaining as to why the order of Chief Judicial Magistrate was not

complied with till now. The Station House Officer shall remain present in person on the next date of listing.

5. List this petition on 9th of May 2011, for orders.