
(2010) 09 UK CK 0200

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 275 of 2010

Rakesh Kumar Verma

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0200

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

Bench : Division Bench

Judgement

CLMA No. 6170 of 2010.

1. This is delay condonation application No. 6170 of 2010 for condonation of delay in filing Review/Recall application. Delay condonation application is allowed. Delay is condoned.
2. Also heard on Review/Recall application No. 595 of 2010 whereby applicant/petitioner sought recalling order dated 02.06.2010 passed by this Court.
3. Perusal of the order of Criminal Writ Petition No. 275 of 2010 shows that the petition was dismissed as infructuous on 13.05.2010, after counter affidavit has been filed on behalf of the State that Investigation Officer has concluded the investigation and submitted the final report. The petitioner appears to have moved Restoration/Recall application No. 399 of 2010 for restoration of the writ petition. Vide order dated 02.06.2010 (the order sought to be reviewed/recalled), the restoration application was dismissed with the observation that there was no sufficient ground to allow the restoration application. It appears that Writ petitioner did not prefer to file the appeal against said order. He has moved review/recall application No. 595 of 2010 on the ground that counter affidavit filed on behalf of respondent was false on the ground that as per the information received under Right to Information Act, 2005, the Investigation/enquiry is still pending.

4. The reply affidavit has been filed on behalf of the respondent stating that there was nothing false in the counter affidavit filed in the writ petition, as after submission of Final Report to the Higher Authorities, one Bahadur Singh Chauhan moved an application and on said application fresh inquiry is going on.

5. Having heard learned Counsel for the parties and after going through the reply affidavit, we find that it is not a fit case for review/recall the order dated 02.06.2010 and order dated 13.05.2010 passed by this Court. Therefore, Review/Recall application No. 595 of 2010 is dismissed with the observation that the petitioner may seek remedy, if fresh cause of action is arisen to him.