
(2010) 08 UK CK 0092
In the Uttarakhand High Court

Suresh Chandra Joshi

APPELLANT

Vs

State of Uttaranchal and Judicial Magistrate

RESPONDENT

Date of Decision : 20-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 409, 420, 467, 468

Citation : (2010) 08 UK CK 0092

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973 (for short Cr.P.C.), the petitioner has sought quashing of the proceedings of Criminal Case No. 103 of 2005 State v. Suresh Chandra Joshi, relating to offences punishable u/s 467, 468, 471, 420, 409 of I.P.C., pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, Didihat, District Pithoragarh.

2. Heard learned Counsel for the parties and perused the papers on record.

3. Brief facts of the case are that certain construction activities of public work were done in Block Kanalichina of District Pithoragarh, in which certain financial irregularities were complained. Petitioner Suresh Chandra Joshi was Assistant Development Officer (Panchayat). On enquiry, it was found that certain muster rolls were forged in connection with the construction activities. As such, a first information report was got lodged by Incharge Inspector, Vigilance Cell, Haldwani, against the petitioner and three others, which was registered as Crime No. 36 of 2000, relating to offences punishable u/s 409, 467, 468, 471, 120B, 420 of I.P.C. After investigation, charge sheet was filed against the petitioner before the court concerned.

4. Learned Counsel for the petitioner submitted that the petitioner is innocent. It

is pleaded that the petitioner is not responsible for technical defects in the construction. It is also pleaded that from the first information report itself, it appears that some of the muster rolls were directly taken to the Block Development Officer for making the payment orders, as such, the petitioner cannot be held responsible for it. The above pleas taken by the petitioner are factual in nature, which cannot be examined by this Court on the basis of half baked evidence before it. It is for the trial court to see as to whether the petitioner is innocent or not, and also to see whether he was actually involved in commission of crime or not, after recording evidence of the witnesses.

5. For the reasons as discussed above, without expressing any opinion as to the final merits of the case, this petition moved u/s 482 of Cr.P.C., is dismissed. The interim order dated 25.10.2005 stands automatically vacated. Registry is directed to inform the court concerned.