

(2018) 11 UK CK 0173

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1827 Of 2018

Vipin Kumar & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 16-11-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 239, 482
Information Technology Act, 2000 — Section 66, 66C
Uttar Pradesh Nakal Adhiniyam, 1998 — Section 4, 10

Citation : (2018) 11 UK CK 0173

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : Manoj Mohan, Lalit Miglani

Final Decision : Dismissed

Judgement

Manoj K. Tiwari, J.

1. By means of this application under Section 482 Cr.P.C., applicants have sought relief for quashing of the charge-sheet dated 14.05.2017 as well as entire proceedings of Criminal Case No. 188 of 2018, under Sections 66, 66C of I.T. Act and Sections 4/10 of U.P. Nakal Adhiniyam, 1998 pending in the court of learned Chief Judicial Magistrate, Almora.

2. Learned counsel for the applicants submits that there is no evidence against the applicants, yet a charge-sheet has been filed against them under Sections 66, 66C of I.T. Act and Sections 4/10 of U.P. Nakal Adhiniyam, 1998.

3. Considering the facts and circumstances of the case, I find no reason to interfere with the criminal proceedings. Hon'ble Supreme Court in catena of decisions has held that power available to a High Court under Section 482 Cr.P.C. should be exercised in rarest of rare cases. This Court does not find that this case comes under that category.

4. Accordingly, the application under Section 482 Cr.P.C. is hereby dismissed.

5. It is, however, made clear that the applicants are at a liberty to move an application, under Section 239 of Cr.P.C., for their discharge before the court below, if he so advised, which shall be considered as expeditiously as possible, in accordance with law, at an appropriate stage.