
(2010) 08 UK CK 0023
In the Uttarakhand High Court

Vivek Agrawal

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 03-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Foreigners Act, 1946 — Section 14, 3, 7(1)

Citation : (2010) 08 UK CK 0023

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition, moved under Article 226 of the Constitution of India, the petitioner has sought quashing of the first information report dated 05.07.2010, registered as Crime No. 04 of 2010, relating to offence punishable u/s 3/7(1)/14 of the Foreigners Act, 1946, police station Chakrata, District Dehradun.

3. Learned Counsel for the petitioner submitted that the petitioner is owner of the Hotel Snow View, Chakrata, District Dehradun. It is pleaded on behalf of the petitioner that the only allegation against the petitioner is that he did not fill the entry in Form ?C?, of a foreign national, in making communication to the police of his stay. It is contended on behalf of the petitioner that the foreigner?s entry in the hotel was made as a Spanish citizen. It is also pointed out that information was supplied to the police. The only allegation is that the information was not given in the particular format. Lastly, it is argued that it is not a case of stay of any undesirable element.

4. Admit the petition.

5. Counter affidavit filed on behalf of respondent No. 2 is taken on record.

6. Learned Counsel for the petitioner prays for and is allowed three weeks? time to file the rejoinder affidavit.

In the above circumstances, meanwhile, as an interim measure, it is directed that the petitioner Vivek Agrawal shall not be arrested in connection with aforesaid crime, during investigation, provided he cooperates with the investigating agency.

7. List this writ petition after three weeks. (Stay Application No. 6216 of 2010 stands disposed of).