

**Cr.Appeal No.401 of 2009.**

31.03.2010      Present:      Mr. Ramakant Sharma and Mr. Malay Kaushal, Advocates, for the appellant.

Mr. A.K. Bansal, Additional Advocate General and Mr. J.S. Rana, Assistant Advocate General, for the respondent.

Feeling aggrieved and dissatisfied by the order of disposal of Copper-wire (spool) forfeited to the State, which was the case property, the present appeal has been filed under Section 454 of the Code of Criminal Procedure by the appellant who was one of the accused in Sessions Trial No.10-NL/7 of 2008, decided on 31<sup>st</sup> July, 2009, passed by the learned Additional Sessions Judge, Solan.

Although, during the trial a suggestion was given to one of the prosecution witnesses, i.e., Investigating Officer that the appellant had purchased the copper-wire through a bill, but in his statement under Section 313 of the Code of Criminal Procedure he denied having it purchased from one of the accused and did not specifically claim.

In view of this situation, prima facie the appellant is not entitled to the possession of the said case property. Thus the appeal is dismissed. However, it is left open for him to file a civil suit to

ascertain his title and then pray for its release. The appeal is finally disposed of.

**Cr.M.P. No.685 of 2009.**

In view of the disposal of the appeal, this application is also disposed of.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**RSA No.102 of 1988.**

31.03.2010 Present: Mr. Janesh Gupta, Advocate, for the appellants.

Mr. G.C. Gupta, Senior Advocate with Mr. Anuj Gupta, Advocate, for respondents No.1(a) to 1(e), 2, 3(a) to 3(g), 4(a) to 4(g), 5 to 12, 14, 16, 17 and 19.

**CMP(M) No. 838 of 2009.**

Respondent No.18(a) Parkash is stated to be mentally ill and an appropriate application is stated to have been filed today in the Registry. If the same is in order, it be taken on record and listed next week.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr. MMO No. 65 of 2010.**

31.03.2010      Present:    Mr. Rajiv Jiwan, Advocate, for the petitioner.  
  
                         Mr. Anshul Bansal, Additional Advocate  
                         General, for respondents No.1 and 6.

                         Notice to respondents No.1 and 6, at this stage.  
  
Learned Additional Advocate General appears and waives  
service of notice on behalf of respondents No.1 and 6. List  
alongwith Cr.MMO No.40 of 2010.

**Cr.M.P. No.221 of 2010.**

Allowed. The application stands disposed of.

**Cr.M.P. No.220 of 2010.**

Not pressed. The application is dismissed.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr. MMO No. 64 of 2010.**

31.03.2010      Present:    Mr.Vinay Thakur, Advocate, for the petitioner.  
  
                                 Mr. Anshul Bansal, Additional Advocate  
                                 General, for respondent No.2.

Heard.    Admit.    Notice.    Learned    Additional  
Advocate General appears and waives service of notice on  
behalf of respondent No.2. Notice be issued to respondent No.1  
returnable within four weeks and list the matter immediately  
thereafter.

Record of the Courts below be called for.

**Cr.M.P. No.213 of 2010.**

In view of the summoning of the record, this  
application has become infructuous. Disposed of.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MMO No. 63 of 2010.**

31.03.2010

Present: Mr. R.L. Chaudhary, Advocate, for the petitioner.

Mr. Anshul Bansal, Additional Advocate General and Mr. J.S. Rana, Assistant Advocate General, for the respondent.

On the request of learned Counsel for the petitioner, list the matter on 5<sup>th</sup> April, 2010.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MMO No.62 of 2010.**

31.03.2010

Present: Mr. N.K. Thakur, Advocate, for the petitioner.

Mr. Anshul Bansal, Additional Advocate General and Mr. J.S. Rana, Assistant Advocate General, for the respondent.

The present petition is under Section 482 of the Code of Criminal Procedure for quashing the criminal proceedings arising out of FIR No.455 of 2006, registered on 25<sup>th</sup> November, 2006 under Sections 279 and 337 of the Indian Penal Code in Police Station, Paonta Sahib, which culminated in Criminal Case No.43-I of 2007, pending in the Court of Judicial Magistrate 1<sup>st</sup> Class, Court No.1, Paonta Sahib. As more than three years have elapsed and the case has not been decided, it is directed that the learned Magistrate below shall dispose of the matter on or before 30<sup>th</sup> June, 2010. By this direction the learned Counsel for the petitioner would feel contented, as such the petition is not pressed and the same is disposed of.

Copy of this order be sent to the learned trial Court for information and necessary action at its end.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr. MP(M) No. 243 of 2010.**

31.03.2010

Present: Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Anshul Bansal, Additional Advocate General, for the respondent.

Notice. Learned Additional Advocate General appears and waives service of notice on behalf of the respondent. He prays for time to file the reply and consideration.

Allowed. List the matter on **6<sup>th</sup> April, 2010**.

The petitioner is hereby directed to join the investigation forthwith. In the interim, it is ordered that in the event of his arrest, the petitioner be enlarged on bail on his furnishing the bail bonds in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Arresting Officer. The bail shall be subject to the following conditions that the petitioner shall:

- (i) not tamper with the prosecution evidence in any manner and shall present himself before the arresting officer or in the Court, as and when required to do so;
- (ii) not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer; and



- (iii) cooperate with the investigation of this case to take it into a logical end.

Needless to say that in case, the petitioner flouts any of the conditions aforesaid, the interim bail shall be cancelled.

Copy **DASTI** on usual terms.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.M.P(M) No. 242 of 2010.**

31.03.2010 Present: Mr. Rajiv Rai, Advocate, for the petitioner.

Mr. Anshul Bansal, Additional Advocate General, for the respondent.

Notice. Mr. Anshul Bansal, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent. He seeks time for filing reply and consideration. Allowed.

List the matter on **7<sup>th</sup> April, 2010.**

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.M.P(M) No. 189 of 2010.**

31.03.2010      Present:    Petitioner with Mr. Anup Chitkara, Advocate.  
  
                                 Mr. J.S. Rana, Assistant Advocate General, for  
                                 the respondent.

Report filed. There are five cases pending against the petitioner and in one case he has been acquitted. Learned Counsel for the petitioner seeks permission to withdraw this petition. Request allowed. The petition is dismissed as withdrawn.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.M.P(M) No. 192 of 2010.**

31.03.2010

Present: Mr. Tara Singh Chauhan, Advocate, for the petitioner.

Mr. J.S. Rana, Assistant Advocate General, for the respondent.

Report filed. There are six cases pending against the petitioner. Learned Counsel for the petitioner seeks permission to withdraw this petition. Request allowed. The petition is dismissed as withdrawn.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**RFA No. 174 of 2000.**

31.03.2010      Present:    Mr. Ajay Kumar, Advocate, for the appellant.

   Mr. J.S. Rana, Assistant Advocate General, for  
   respondent No.1.

   Mr. Mukul Sood, Advocate, vice Mr. K.D. Sood,  
   Advocate, for respondent No.4.

   Arguments heard. Judgment reserved.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MP(M) No.209 of 2010.**

31.03.2010      Present:      Mr. J.S. Rana, Assistant Advocate General, for the petitioner.

The State had filed the appeal against the acquittal of the respondent before the learned Sessions Judge, which was also dismissed and again the appeal has been filed under Section 378(3) of the Code of Criminal Procedure and the leave to appeal has been sought. There is no right of second appeal. Therefore, Mr. J.S. Rana, learned Assistant Advocate General, seeks permission that liberty be reserved to file the revision, if any. Request allowed. The application for leave to appeal is dismissed with the liberty reserved aforesaid.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MP(M) No.217 of 2010.**

31.03.2010

Present: Mr. Ramesh Sharma, Advocate, vice Mr. N.K. Thakur, Advocate, for the petitioner.

Mr. J.S. Rana, Assistant Advocate General, for the respondent.

Notice. Learned Assistant Advocate General waives service of notice on behalf of the respondent. He seeks time for report and consideration. Allowed. List on 31<sup>th</sup> March, 2010.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MP(M) No.218 of 2010.**

31.03.2010

Present: Mr. N.S. Chandel, Advocate, for the petitioner.

Mr. J.S. Rana, Assistant Advocate General, for the respondent.

Notice. Learned Assistant Advocate General appears and waives service of notice on behalf of the respondent. He sought time for report and consideration. Allowed. List on 31<sup>st</sup> March, 2010.

The petitioner is apprehending his arrest in FIR No.45 of 2010 registered on 12<sup>th</sup> March, 2010, in Police Station, Sadar, District Solan, under Sections 214, 120B, 465, 467, 468 and 506 of the Indian Penal Code, hence this application for pre-arrest bail.

The petitioner is hereby directed to join the investigation of this case forthwith. In the interim, it is ordered that in the event of his arrest, the petitioner be released on bail on his furnishing bail bonds in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Arresting Officer. The bail shall be subject to the following conditions that the petitioner:

- i) shall not tamper with the prosecution evidence in any



manner and shall present himself before the Arresting Officer or in the Court as and when required to do so;

- ii) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) shall cooperate with the investigation of this case to take it into a logical end.

Needless to say that in case, the petitioner flouts any of the conditions aforesaid, the interim bail shall be cancelled.

Copy **DASTI** on usual terms.

March 31, 2010.  
(rc)

**(Surinder Singh), J.**

**Cr.MP(M) No.219 of 2010.**

31.03.2010

Present: Mr. N.S. Chandel, Advocate, for the petitioner.

Mr. J.S. Rana, Assistant Advocate General, for the respondent.

Notice. Learned Assistant Advocate General appears and waives service of notice on behalf of the respondent. He sought time for report and consideration. Allowed. List on 31<sup>st</sup> March, 2010.

The petitioner is apprehending his arrest in FIR No.45 of 2010 registered on 12<sup>th</sup> March, 2010, in Police Station, Sadar, District Solan, under Sections 214, 120B, 465, 467, 468 and 506 of the Indian Penal Code, hence this application for pre-arrest bail.

The petitioner is hereby directed to join the investigation of this case forthwith. In the interim, it is ordered that in the event of his arrest, the petitioner be released on bail on his furnishing bail bonds in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the Arresting Officer. The bail shall be subject to the following conditions that the petitioner:

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manner and shall present himself before the Arresting Officer or in the Court as and when required to do so;

- ii) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) shall cooperate with the investigation of this case to take it into a logical end.

Needless to say that in case, the petitioner flouts any of the conditions aforesaid, the interim bail shall be cancelled.

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March 31, 2010.  
(rc)

**(Surinder Singh), J.**