

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

C-482 No. 78 of 2007

Manish Gupta

.....Applicant

Versus

State of Uttarakhand and another

....Respondents.

Present: Mr. Tapan Singh, Advocate for the applicant.

Mr. Nanda Arya, AGA for the State of Uttarakhand/respondent no.1. Mr. H. S. Hariya, Advocate for respondent no.2.

Date of Decision: 31.08.2010

Hon'ble Sudhanshu Dhulia, J

This Criminal Misc. Application under Section 482 of Cr.P.C. has been filed against the summoning order dated 20.12.2006 passed by the II Special Judicial Magistrate, Haridwar and subsequent proceeding in Complaint Case No. 1437 of 2006 *Vinay Kumar Madeshiya Vs. Vikas Gupta and others* under Section 420/467/468 of IPC pending before the II Special Judicial Magistrate, Haridwar.

Brief facts of the case are that a complaint had been filed against the applicant being a Branch Manager under Section 420/467/468 of IPC. The learned Magistrate proceeded under Section 200 and 202 Cr.P.C. and issued the summoning orders to the applicant.

The sole ground taken by the applicant before this Court is that in the complaint the allegations that shares have been transferred illegally and thereafter money has been misappropriated are only against one Devendra Sharma who is an employee of the company of which the applicant is a Branch Manager and the applicant has himself lodged an F.I.R. against Devendra Sharma. The defense which the applicant has taken before this Court is that there is no allegation against him and that he is no way responsible for illegal transfer of shares.

Nevertheless, the applicant being a Branch Manager of the company cannot say that summons have wrongly been issued against him. All the points raised by the applicant before this Court can well be raised before the trial court. It is open for the applicant to raise his objections before the trial court as have been raised by him before this Court. It is not for this Court to examine

in detail the merit of this case. There is no good ground to interfere in the impugned summoning order dated 20.12.2006 passed by the II Special Judicial Magistrate, Haridwar in Complaint Case No.1437 of 2006.

The present C-482 petition is totally devoid of merit and is liable to be dismissed and is hereby dismissed.

No order as to cost.

Registry is directed to send a copy of this order to the court concerned for necessary compliance.

(Sudhanshu Dhulia, J)

31.08.2010
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