

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Misc. Application No.1274 of 2012  
(U/s 482 Cr.P.C.)**

Tasleem S/o Saddam

**.....Petitioner**

**Versus**

State of Uttarakhand and another

**.....Respondents**

**Hon'ble Servesh Kumar Gupta, J.**

Mr. Navneet Kaushik, Advocate, for the petitioner.

Mr. K.S. Rautela, A.G.A. for the State.

Having heard, it appears that a Sessions Trial No.108 of 2012 was conducted for the offences punishable u/s 363, 366 and 376 I.P.C. pertaining to crime no.30 of 2011 against the present petitioner, wherein the alleged eloped girl Ms. Israna and her father became hostile, and only those were the two witnesses. Thus, the Vth Additional Sessions Judge, Haridwar vide judgment and order dated 20.10.2012 acquitted the accused, who is the petitioner before this Court.

During the course of trial, the Investigating Officer submitted additional chargesheet in the same crime number against the same accused Tasleem for an added offence u/s 328 IPC, but the same could not be committed by the concerned Magistrate to the court of Sessions, for clubbing it with the original sessions trial, as indicated above.

On a perusal of the statement of victim Israna (PW1) examined on 5.10.2012 in the said Sessions Trial, she has denied the fact of administering any poisonous substance to her by the present petitioner.

Thus, in the above circumstances and in light of the deposition of PW1 Israna before the court below, the Court feels that it is quite futile to proceed further against the petitioner, inasmuch as, the same would be quite wastage of the time of the Court.

In view of the above, the petition is allowed instantly. Supplementary chargesheet submitted against the petitioner u/s 328 IPC, as also the proceedings of criminal case no.90 of 2012, *State Vs. Tasleem*, pending before the court of Judicial Magistrate, Laksar, District Haridwar, are hereby quashed.

**(Servesch Kumar Gupta, J.)**

30.11.2012

Rdang