

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

**Criminal Misc. application No.1649 of 2016**

( under Section 482 Cr.P.C.)

Ashish Chinappa

.....Applicant

**Versus**

State of Uttarakhand and others

....Respondents

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**Hon'ble Sudhanshu Dhulia, J. (Oral)**

Heard Ms. Pushpa Joshi, Senior Advocate assisted by Mr. Amit Kapri, Advocate for the applicant and Mr. S.S. Adhikari, A.G.A. for the State/respondent Nos.1 & 2.

A first information report has been lodged by the respondent No.3 against the present applicant which was registered as FIR No.23 of 2010 under Sections 147/323/506/452/34 of IPC at Police Station Dharchula, District Pithoragarh. After investigation, charge sheet has been filed against the applicant under Sections 147/323/325/506/452/34 and Section 3(1)(x) of the SC & ST Act. Thereafter, the learned Magistrate took cognizance in the matter and issued summon to the applicant.

Inspite of appearing before the court below and seeking appropriate relief, the present applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C.

Learned Single Judge of this Court vide order dated 22.12.2014 had given certain relief to the applicant.

There is no counter affidavit yet on record. Learned Senior counsel for the applicant submits that the first information report on which the charge sheet has been filed and cognizance has been taken is a counter blast to the first information of the present applicant which he had filed against the villagers who are objecting to the construction of a road.

The allegation against the present applicant is that he was using explosive material moreover, the people of GREF had beaten up the villagers.

Considering the nature of offence, no interference is being called for by this Court. However, applicant would be at liberty to move appropriate application before the court below which shall be duly considered in accordance with law.

A plea has been raised by the learned Senior Counsel for the applicant regarding the jurisdiction of learned Magistrate in the matter. In case such a plea is being raised before learned Magistrate, the same shall be duly considered in accordance with law.

The application under Section 482 Cr.P.C. is dismissed. Interim order dated 22.12.2014 stands vacated.

**(Sudhanshu Dhulia, J.)**  
29.04.2016

JKJ