

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

Criminal Misc. Application No. 76 of 2012

Brahm Swaroop Brahmchari

....Petitioner

Versus

State of Uttarakhand
and another

.....Respondents.

Present:

Mr. Ramji Srivastava, Advocate for the petition.

Mr. P.S. Saun, Deputy Advocate General for the State.

Hon'ble Rajiv Sharma, J.

This petition is filed for quashing of the charge-sheet dated 12.06.2008 and entire proceedings of Criminal Case No. 3755 of 2008.

It is not disputed at bar that the call details have also not been obtained from the concerned authorities.

The Court has gone through the F.I.R. No *prima facie* case is made out against the petitioner under Sections 171-C, 171-F, 353, 186, 504 and 506 IPC as well as under section 123 of Representation of the People Act, 1951. The FIR must disclose the commission of cognizable offence. It was necessary for the Investigating Officer to obtain the call details and to prove the same under Section 65-B of the Indian Evidence Act.

Accordingly, the petition is allowed. Impugned charge-sheet dated 12.06.2008 and Criminal Case No. 3755 of 2008 (Case Crime No. 15 of 2007) are hereby quashed and set aside.

(Rajiv Sharma, J.)
27.09.2016