

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

**Criminal Misc. application No.8 of 2016**  
( under Section 482 Cr.P.C.)

Nilam Sanjay Pal and another .....Applicants

**Versus**

State of Uttarakhand and another ....Respondents

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

Heard Mr. B.S. Adhikari, Advocate for the applicants, Mr. Hari Om Bhakuni, A.G.A. assisted by Mr. Rakesh Kunwar, Brief Holder for the State/respondent No.1 and Mr. Vivek Shukla, Advocate for the respondent No.2/complainant.

A first information report has been lodged by respondent No.2 against the applicants which was registered under Sections 307/324 of IPC at Police Station Khanpur, Laksar District Haridwar. Investigation was subsequently transferred to the CBCID, after investigation, a final report was submitted by the CBCID. Against the final report, respondent No.2 filed a protest petition before learned Judicial Magistrate, Laksar. The learned Magistrate rejected the final report and issued summons to the applicants vide order dated 14.09.2015. Aggrieved, applicants preferred a Criminal Revision No.509 of 2015 before learned District & Sessions Judge, Haridwar which was also dismissed vide order dated 11.12.2015. Hence, this application under Section 482 Cr.P.C. has been filed by the applicants invoking inherent jurisdiction of this Court.

In spite of summons, applicants did not appear before court below, therefore, non-bailable warrants have been issued against them.

Considering the evidence which is available on record, this Court does not find any justification to interfere in the

matter. At this stage, no interference is liable to be made by this Court.

However, applicants would be at liberty to appear before the court below and move their bail applications which shall be considered by the court below as expeditiously as possible.

In order to enable the applicants to appear before learned Magistrate, non-bailable warrants issued against the applicants shall be kept in abeyance till 04.04.2016.

With the aforesaid observation, the application filed under Section 482 Cr.P.C. stands disposed.

Let a certified copy of this order be issued to learned counsel for the parties today itself on the payment of usual charges.

**(Sudhanshu Dhulia, J.)**

31.03.2016

JKJ