

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 1942 of 2017

Mahendra Kumar Agarwal

.....Petitioner

Versus

State of Uttarakhand & others

.....Respondents

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. Mr. Dharmendra Barthwal, Advocate, present for the petitioner.

2. Mr. Sudhir Kumar Chaudhary, Deputy Advocate General, present for the State/respondent Nos. 1 to 3.

3. The First Information Report has been lodged by respondent No. 4, which has been registered as Case No.13 of 2017, under Sections 3/7 of the Essential Commodities Act, 1955, at Police Station-Lansdown, District- Pauri Garhwal. Apprehending his arrest, the petitioner has approached this Court for relief.

4. Considering the overall facts and circumstances of the case as well as the nature of offence and since the maximum punishment in these offences is seven years or less, a limited interference is called for in the matter.

5. The writ petition stands disposed with the direction to the police authorities to proceed with the investigation in accordance with law, subject to the full cooperation of the petitioner in the investigation, but as far as the arrest of the petitioner is concerned, the same may be done only under the parameters as framed under Section 41 and Section 41A of Cr.P.C. as well as following the guidelines given by the Hon'ble Apex Court in the case of **Arnesh Kumar Vs. State of Bihar & another**, reported in (2014) 8 SCC 273.

6. It is further made clear that this order shall remain operative till the filing of charge sheet, in case of that event.

(Sudhanshu Dhulia, J.)
30.11.2017

Nitesh