

(Recall Appl. No.588 of 2018)

In

WPCRL No.26 of 2015

**Hon'ble V.K. Bist, J.**

Mr. Tapan Singh, Advocate for the petitioner.

Mr. Subhash Tyagi Bhardwaj, Deputy Advocate General for the State of Uttarakhand.

Heard.

This recall application has been filed by the State counsel for recalling the orders dated 09.01.2015 and 16.08.2017. Alongwith the recall application an affidavit has been filed. Paragraph 2 of the said affidavit is as follows:

“That the deponent most respectfully state before this Hon'ble Court the petitioner by playing fraud and misleading this Hon'ble Court has initially got an order of stay on 09.01.2015 and on 16.08.2017 as the petitioner has mentioned the wrong name of her husband and also mentioned the wrong address. It is submitted here that the deponent visited the address of the petitioner as mentioned in the body of the writ petition from where he was informed by the Ward Member that no such person in the name of the petitioner is residing on the same address.”

I have heard learned counsel for the parties.

The case of the petitioner is that petitioner is regularly going to the Investigating Officer and visiting the concerned police station but her statement is not being recorded. On the other hand, the case of the respondents is that petitioner is not appearing before the Investigating Officer.

In such circumstances, I direct the petitioner to appear before the Investigating Officer on 03.05.2018 and again on 10.05.2018 at 10:00 a.m. In case petitioner does not appear before the Investigating Officer, it would be open for the Investigating Officer to proceed further in accordance with law. In case petitioner appears and cooperates in the investigation, no coercive steps shall be taken against the petitioner during the pendency of the investigation.

Recall application stands disposed of.

Let copy of this order be supplied within 24 hours to the counsel for the parties on payment of usual charges.

**(V.K. Bist, J.)**

27.04.2018

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