

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.1947 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Mani Kumar, Advocate, for the applicants. Mr. V.K. Gemini, Deputy Advocate General, for the State of Uttarakhand/1. The applicants in this C482 application have put a challenge to the order dated 24.08.2023, as it was passed by the court of 1st Additional District and Sessions Judge, Udham Singh Nagar in Criminal Revision No.180 of 2022, "Harbhajan Kaur Vs. State of Uttarakhand and others", as a consequence thereto, the order passed on application i.e. Miscellaneous Case No.41 of 2022, "Smt. Harbhajan Kaur Vs. Ramsevak and others" under section 156 (3) of CrPC, on 01.07.2022, has been set aside. The argument of the learned counsel for the applicants is that the impugned order would suffer from apparent vices, because of the non compliance of the provisions contained under Chapter 15 of the CrPC. On perusal of the impugned order, it rather shows that while scrutinizing the contents of the FIR No.65 of 2022, for the offences under sections 307, 34, 504 and 506 of IPC, the Judicial Magistrate, has considered the medical report, supplementary medical report, the inquiry conducted by the police authorities, and the statement recorded of the witnesses. Based on which, the Court has come to the conclusion that the investigation into the offence, which is being complained of, was necessary, and consequently the direction was issued to register the report. The implications of Chapter 15 of CrPC, as it has been argued by the learned counsel for the applicants, that the provisions of the same

			was not complied with, it cannot be ruled out that in view of the findings which has been recorded in paragraph 4 and 5 of the impugned order dated 01.07.2022, which was the subject matter of the revision, the various reports which were on record were considered, and thus it cannot be said that there was absolutely a non compliance of the provisions contained under Chapter 15 of the CrPC. Coupled with the fact that when the revisional court has remitted the matter to reconsider the issue afresh, all these aspects pertaining to the implications of the non compliance of the Chapter 15, are the aspect which are still left open to be argued by the learned counsel for the applicants when the matter is reconsidered in pursuance to the order of the remand dated 24.08.2023. In fact as on date, there is no crystallization of the set of allegations which was the subject matter of the FIR, which was registered on the basis of the application under section 156 (3) of CrPC. When the issue revives back as a consequence of the revisional court's order, the learned trial court would reconsider all implications with regards to the implications of the Chapter 15 of the CrPC, so far it relates to the scrutinization of the observations made in the impugned order dated 01.07.2022, as it was rendered in Miscellaneous Case No.41 of 2022, "Harbhajan Kaur Vs. Ramsewak and others". Since all the issues pertaining to the implications of the Chapter 15 of the CrPC are still left open to be addressed on merits, there is no necessity to exercise the inherent powers as against the order of the remand dated 24.08.2023, as passed by the revisional court. Thus, this Court declines to interfere in the C482 application, the same would stand dismissed. (Sharad Kumar Sharma, J.) 05.10.2023 NR
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