



2024:UHC:8206

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 39 of 2024

06 November, 2024

Siddharth Mohan Singhal

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-

Mr. Vipul Sharma, Advocate for the petitioner.

Mr. G.S. Sandhu, learned Additional Advocate General along with
Mrs. Mamta Joshi, learned Brief Holder for the State.

Mr. Apoorv Chauhan, Advocate for respondent no.2.

Hon'ble Vivek Bharti Sharma, J.(Oral)

This C528 petition is filed by the petitioner with a prayer for expeditious disposal of Criminal Case No.266 of 2023, State of Uttarakhand Vs. Rahul Chauhan and Others' under Sections 147, 323, 427, 440, 504 IPC, P.S. Jaspur, District – Udham Singh Nagar within a period of six months in view of the judgment of the Hon'ble Supreme Court in the case of *Ashwini Kumar Upadhyay Vs. Union of India* reported in 2024 1 SCC Page 185 and conduct the trial on a day to day basis.

2. Brief facts of the case are that the petitioner filed an F.I.R. No. 36 of 2022 under Section 147, 323, 427, 440, 504 I.P.C. at Police Station Jaspur, District Udham Singh Nagar against the respondent nos. 2 to 10



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and 15 other people alleging therein that the petitioner received an information regarding illegal distribution of money by workers of the Congress Party, then, the petitioner along with few other persons reached the spot; that, M.L.A. respondent no.4/Aadesh Singh Chauhan along with his entourage entered the spot and encircled the vehicle of the petitioner by his vehicles and also blocked the way by tractor; that, respondent nos. 2 to 10/accused even tried to kill the petitioner by burning his vehicle and damaged three to four vehicles. It is also stated in the F.I.R. that the petitioner and his friends saved their lives with great difficulty; that, after completion of investigation, the Investigating Officer filed charge sheet against the accused persons under Sections 147, 323, 427, 440 & 504 I.P.C, thereafter, the Judicial Magistrate, Jaspur, District Udham Singh Nagar took cognizance on 20.03.2023 in Criminal Case No.266 of 2023, 'State of Uttarakhand Vs. Rahul Chauhan'.

3. Counsel for the petitioner would submit that upon taking cognizance of the offence on 20.03.2023 and summoning the accused persons, the Judicial Magistrate, Jaspur, District Udham Singh Nagar fixed the date of 11.05.2023; on that day the matter was adjourned for 06.07.2023; that, on 06.07.2023 the trial court issued summon and fixed the date for 05.09.2023.



4. It is submitted by counsel for the petitioner that in spite of lapse of more than ten months, the concerned Court has not even framed the charges against the accused persons; that, one of the accused i.e. respondent no.4 is a sitting MLA, thus, prays that the Trial Court may be directed to decide the case expeditiously in the light of the judgment of Hon'ble Supreme Court in the case of *Ashwini Kumar Upadhyay Vs. Union of India reported in (2024) 1 SCC 185*.

5. Vide order dated 29.07.2024, the Co-ordinate Bench of this Court directed the State to furnish the details of the pending cases relating to sitting and ex MPs and MLAs in the light of the judgment of **Ashwini Kumar Upadhyay** (*supra*) but till date affidavit of the Secretary of the concerned Department has not been filed.

6. Counsel for respondent no.2 has filed counter affidavit but the grounds taken in the counter affidavit are formal in nature.

7. Perused the record in the light of submissions made hereinabove.

8. In view of the above, it would be expedient to direct the Trial Court to decide the matter expeditiously as in spite of lapse of more than ten months, the concerned Court has not even framed the charges against the accused persons. Hence, present C528



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petition is liable to be allowed and the same is hereby allowed.

9. Accordingly, the Trial Court is directed to decide the case expeditiously in the light of judgment of Hon'ble Supreme Court in ***Ashwini Kumar Upadhyay*** (*supra*).

10. Let a copy of this order be sent forthwith to the court concerned for doing the needful.

(Vivek Bharti Sharma, J.)
06.11.2024

SS

SUKHBANT SINGH

Digitally signed by SUKHBANT SINGH
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