



2025:UHC:3614

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	07.05.25		C528 No.545 of 2025 <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. Paritosh Dalakoti, learned counsel for the petitioners. 2. Mr. Deepak Bisht, learned Deputy Advocate General along with Mr. Prabhat Kandpal, learned Brief Holder for the State. 3. This C528 petition is filed with the prayer to issue an appropriate order or direction to consolidate/merge all the trial numbers – 1) Special Session Trial No.22/2025, pending before the Session Judge Almora; 2) Special Session Trial No. 32/2021, pending before Session Judge, Pithoragarh; 3) Special Session Trial No.13/2025 pending before Session Judge, Pithoragarh; and 4) Special Session Trial No.08/2022 against the petitioners. 4. Learned counsel for the petitioners/ accused would submit that the petitioners/accused were working in Kaimuna Credit Cooperative Society Limited, a multi State cooperative society, registered with Central Registrar of Cooperative Societies and Ministry of Agriculture, New Delhi; that, four FIRs with similar allegations were registered against petitioners/accused in different districts of State of Uttarakhand, the details of which are given below:- - FIR No.33/2020, P.S. Someshwar Almora, U/s 406, 409, 420 IPC and U/s 3 of UPID against petitioner no.1,2 and 3 - FIR No.21/2020, P.S. Berinag, District Pithoragarh, U/s 406, 409, 420 IPC and Section 3 of UPID - FIR No.51/2020 P.S. Lohaghat, District Champawat, U/s 406, 409, 420 IPC and Section 3 of UPID. - FIR No.128/2020, P.S. Tanakpur, District Champawat, U/s 406, 409, 420 IPC and Section 3 of UPID. Learned counsel for the petitioners/accused would further submit that C-482 No.1179 of 2021, "<i>Pradeep Kumar Asthana Vs. State of Uttarakhand & Others</i>" was filed by Pradeep Kumar Asthana, who is one of the accused persons in the above four FIRs, with prayer to consolidate the FIRs; that, fourteen other criminal cases were registered against co-accused Pradeep Kumar Asthana with the same kind of allegations by different complainants; that, in C-482 No.1179 of 2021, co-accused Pradeep Kumar Asthana prayed to



		consolidate all the eighteen cases, including these four cases; that, vide order dated 18.10.2023, the Co-ordinate Bench of this Court directed to consolidate all the eighteen cases, including four cases, in which the petitioners were also accused; that, the Co-ordinate Bench of this Court vide its order dated 12.02.2025 recalled order dated 18.10.2023 on Recall Application (MCRC/5/2024) filed by the State, consequently, all the eighteen cases, including four cases against the present petitioners/accused, were segregated, hence, this petition is preferred by the petitioners/accused. Learned counsel for the petitioners/accused would pray that as the allegations are identical, therefore, four cases against the petitioners /accused may be consolidated as per Section 219 and 220 of the Cr.P.C. 5. Per contra, learned counsel for the State would vehemently oppose this petition with plea that witnesses in all the criminal cases registered against the petitioners/accused are different and residing at different places, therefore, all the cases simply cannot be consolidated for convenience of the petitioners/accused; that, eighteen criminal cases registered against the accused persons, including four criminal cases those are prayed to be consolidated by way of this petition, cannot be consolidated; that, if these four criminal cases are consolidated then the other fourteen cases shall otherwise be prosecuted separately; that, no purpose would be served by consolidating all these cases except that it would make the present petitioners /accused convenient and comfortable, however, at the same time, create a lot of problems for the complainants, witnesses and prosecution in those four cases. 6. Learned counsel for the State would further submit that if the petitioners/accused had any problem with the recall order then they should have made objections to the same or have filed an appeal against it but they chose not to do anything against it; that, if this petition is allowed then there are about 7 to 8 other accused persons, who would engage themselves in making such petitions repeatedly before the Court. 7. At this stage, learned counsel for the petitioners/accused would submit that he wants to withdraw the present petition. 8. To this, learned counsel for the State would submit that he does not have any objection to the same. 9. In view of the above, the present petition is dismissed as withdrawn. (Vivek Bharti Sharma, J.) 07.05.2025 SS
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