



## **HIGH COURT OF UTTARAKHAND AT NAINITAL**

### **Criminal Misc Application No.1638 of 2026**

**07<sup>th</sup> August, 2026**

Shailendra Singh Bisht .....Applicant

### **Versus**

State of Uttarakhand and another .....Respondents

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Presence:-

Mr. Tejas Agarrwal, learned counsel for the applicant.

Mr. B.N. Molakhi, learned D.A.G. for the State.  
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### **Hon'ble Pankaj Purohit, J.**

This C528 application has been filed by the applicant for quashing the order dated 29.05.2026, passed by learned Additional Sessions Judge, Kotdwar, District Pauri-Garhwal in Criminal Revision No.34 of 2025, *Shailendra Singh Bisht Vs. State*, along with summoning order dated 26.09.2025, passed by learned Judicial Magistrate, Kotdwar in Criminal Case No.1209 of 2021, *State Vs. Mahendra Bisht and others*, under Section 319 of Cr.P.C.

2. Facts of the case in brief are that the present case arises out of FIR No.162 of 2020 dated 30.05.2020 registered at P.S. Kotwali, Kotdwara under Sections 147, 324 and 506 IPC on the complaint of respondent no.2, alleging that while the complainant was live reporting illegal mining in the Sukhro River, the applicant along with other accused persons threatened him at gunpoint and assaulted him. Upon completion of investigation, the Investigating Officer found no evidence against the present applicant and accordingly did not array him as an accused in the charge-sheet dated 09.11.2020, though charges were filed against the remaining accused. During trial, however, PW-1, PW-2 and PW-3 implicated the applicant in their depositions, on the basis of which the complainant moved



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an application under Section 319 Cr.P.C., which was allowed by the Trial Court on 26.09.2025, summoning the applicant as an additional accused. The applicant's criminal revision against the said order was dismissed by the Revisional Court on 29.05.2026. Aggrieved, the applicant has approached this Court contending that despite his exoneration during investigation, he has been summoned solely on the uncorroborated oral testimony of prosecution witnesses without any independent or corroborative evidence, rendering the impugned orders legally unsustainable.

3. Learned counsel for the applicant submits that the impugned orders dated 26.09.2025 passed by the Trial Court and 29.05.2026 passed by the Revisional Court are legally unsustainable, as the petitioner was exonerated during investigation after the Investigating Officer found no material connecting him with the alleged incident and, therefore, he was not charge-sheeted.

4. He further contends that the Trial Court erroneously invoked its powers under Section 319 Cr.P.C. solely on the basis of the uncorroborated oral depositions of PW-1, PW-2 and PW-3, without any fresh, cogent or independent evidence linking the petitioner to the offence. The courts below failed to appreciate that no electronic, forensic or other corroborative material was produced to substantiate the allegations, despite the complainant's claim of live reporting and use of a firearm. It is, therefore, argued that the essential threshold for summoning an additional accused under Section 319 Cr.P.C. was not satisfied, and consequently, the impugned orders and the proceedings against the petitioner deserve to be quashed.

5. Learned counsel for the State submits that the Trial Court has rightly exercised its jurisdiction under



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Section 319 Cr.P.C. on the basis of evidence that surfaced during the course of trial. It is contended that the testimonies of PW-1, PW-2 and PW-3 specifically and consistently attribute an active role to the applicant in the commission of the offence, thereby constituting strong and cogent evidence sufficient for invoking the power under Section 319 Cr.P.C. Merely because the Investigating Officer did not array the applicant as an accused in the charge-sheet does not preclude the Court from summoning him if evidence adduced before it discloses his involvement in the offence. It is further submitted that, at the stage of exercising powers under Section 319 Cr.P.C., the Court is required to assess whether the evidence on record, if left unrebutted, reasonably indicates the involvement of the proposed accused, and not whether such evidence is corroborated by electronic, forensic or other independent material. Since the Trial Court, upon due consideration of the evidence led during trial, found sufficient grounds to summon the applicant, and the Revisional Court affirmed the said order after finding no legal infirmity therein, the impugned orders do not warrant interference under the extraordinary jurisdiction of this Court, and the present application is liable to be dismissed.

6. Having considered the rival submissions and the material available on record, this Court finds no merit in the present application. Merely because the applicant was not charge-sheeted by the Investigating Officer does not denude the Trial Court of its power under Section 319 Cr.P.C. to summon a person whose involvement is disclosed by the evidence recorded during trial. In the present case, PW-1, PW-2 and PW-3 have consistently attributed a specific role to the applicant, and their testimonies constituted sufficient material for the Trial Court to form the requisite satisfaction for exercising



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jurisdiction under Section 319 Cr.P.C. At this stage, the Court is not required to undertake a meticulous appreciation of evidence or insist upon independent, electronic or forensic corroboration, as the depositions of prosecution witnesses recorded before the Court are substantive evidence. The Trial Court, upon due consideration of such evidence, rightly summoned the applicant, and the Revisional Court committed no error in affirming the said order. No jurisdictional error, illegality or perversity is made out in the impugned orders warranting interference by this Court.

7. Accordingly, the present C-528 application being devoid of merit stands dismissed.

**(Pankaj Purohit, J.)**  
07.08.2026

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