| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS |
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| | | | **UKHC010192092026**<br>**C528/2374/2026**<br><br>Anant Jain<br>--Applicant<br>**Versus**<br>State Of Uttarakhand<br>--Respondent<br><br>**Hon'ble Alok Mahra, J.**<br><br>Mr. Arvind Vashistha, Sr. Advocate, assisted by Ms. Devanshi Joshi, Advocate for the applicants.<br><br>2. Mr. V.S. Pal, A.G.A. for the State.<br><br>3. Mr. Bhupesh Kandpal, Advocate for the complainant.<br><br>4. The present criminal misc. application under Section 528 of BNSS has been filed with a prayer to quash/set-aside the order dated 06.10.2026 passed by learned 1st Addl. District and Sessions Judge, Dehradun on the application dated 06.10.2026 moved by the complainant under Section 193(9) of BNSS in Sessions Trial No. 39 of 2025, State of Uttarakhand Vs. Naveen Kumar and Others, under Sections 103(1), 309(4), 317(2) of BNS.<br><br>5. Learned Senior Counsel appearing for the applicants submits that Trial Court could not have entertained the complainant's plea for filing an application without the said application being forwarded through Public Prosecutor. In his support, learned Senior Counsel has relied upon the case passed by Hon'ble Supreme Court in the case of Rekha Murarka Vs. State of West Bengal and Another, reported in 2020(2) SCC 474. It is |

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| | | | further submitted that learned 1st Additional Sessions Judge had earlier passed an order dated 30.09.2026, whereby, he has directed further investigation on the application of the public prosecutor, in which, it was mentioned that the Hon'ble Court had directed for further investigation and despite of the order dated 30.09.2026 being in existence, learned Judge concerned passed another order for further investigation on another application filed by the complainant.<br><br>6. Heard learned counsel for the parties and perused the record.<br><br>7. Having considered the submissions, advanced by learned counsel for the parties and after perusing the record, this Court is of the view that the complainant legally cannot move an application for further investigation directly to the court and such application, if to be filed, should be forwarded to the court through public prosecutor and if the public prosecutor fails to move the said application before the court, then, only applicant can move an application directly to the court.<br><br>8. Accordingly, the present Criminal Misc. Application is allowed. Consequently, the impugned order dated 06.10.2026 passed by learned 1st Addl. District and Sessions Judge, Dehradun on the application moved by the complainant under Section 193(9) of BNSS in Sessions Trial No. 39 of 2025, State of Uttarakhand Vs. Naveen Kumar and Others is hereby set-aside with a liberty to the parties to move an application, in accordance with law. However, it is made clear that if such an application is moved by the complainant/public prosecution, then, it should be decided before the charges are framed.<br><br>**(Alok Mahra J.)**<br>02.11.2026<br>Ujjwal |