SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2414/2026 Sudhanshu Pandey And Others --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Shailendra Nauriyal, Advocate for the applicants. Mr. Dinesh Chauhan, A.G.A. for the State of Uttarakhand. 2. The present Criminal Misc. Application has been filed by the applicants for quashing and setting-aside the summoning order dated 04.02.2019 and 20.05.2026, charge sheet as well as the entire proceedings of Criminal Case No.152 of 2019, pending in the Court of Judicial Magistrate, Vikas Nagar, Dehradun. 3. Challenge has been made firstly on the ground that as per Section 87 of the U.P. Reorganization Act, 2000, the U.P. Public Examination Act, 1998 was not adopted by the State of Uttarakhand within two years of the appointed day i.e. 09.11.2000, therefore, it has no applicability in the State of Uttarakhand after expiry of two years. Secondly, even assuming for the sake of argument, though not admitting, if the Act of 1998 is applicable in the State of Uttarakhand, the Institute of the applicant is governed by the provisions of Uttarakhand Board of Technical Education Act, 2003 and Regulations framed thereunder in the year 2016. It is further contended that as per the Regulation 29 of the said Regulations, if a student is caught using unfair means then that copy would be sealed and a fresh copy would be issued to him and the matter would be sent to the Committee. Besides this, there is no other provision regarding penal action of the erring students or teacher. 4. Per contra, learned State Counsel would submit that as per the letter issued by Secretary, School Education Board dated 24.04.2019, as per Section 87 of the U.P. Reorganization Act, the Act framed in the erstwhile State of U.P. would be

applicable in the State of Uttarakhand if they are not amended or repealed. This submission cannot be accepted for the simple reason that section 87 of U.P. Reorgnization Act, 2000 provides as hereunder:-

87. Power to adapt laws.- For the purpose of facilitating the application in relation to the State of Uttar Pradesh or Uttaranchal of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

5. Heard learned counsel for the parties and perused the record.

6. It is apparently clear that any law, which was made before the appointed day, would be applicable in State of Uttarakhand for two years subject to the condition of adaptation and modification.

7. After hearing the parties and perusing the record, this Court finds that there is no order of adaptation of the Act of 1998 by the State of Uttarakhand within two years from the appointed day. Therefore, as per Section 87 of the U.P. Reorganization Act, 2000, Act of 1998 would not be applicable in State of Uttarakhand after expiry of period of two years from the appointed day. Furthermore, since the Institute is governed by the provisions of Uttarakhand Board of Technical Education Act, 2003 and regulations framed thereunder, therefore, the FIR and the chargesheet filed under Sections 3, 9 and 10 of the Act of 1998, pending in the Court of Judicial Magistrate, Vikas Nagar, Dehradun are not applicable in the case of the applicants.

8. In such circumstances, allowing the criminal proceedings to continue against the applicant would be an abuse of the process of law. Therefore, this Court is of the considered view that it is a fit case to exercise its inherent jurisdiction under Section 528 B.N.S.S. to secure the ends of justice.

9. Accordingly, the present criminal miscellaneous application is allowed and the entire proceedings of Criminal Case No.152 of 2019, pending in the Court of Judicial Magistrate, Vikas Nagar, Dehradun is hereby quashed, qua the applicants.

(Alok Mahra, J.)
30.10.2026

Arpan

ARPAN JAISWAL

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