

**Item No. D-30**

**Court on its own motion Vs. State of HP  
& others a/w connected matter.**

**Cr.WP No. 14 of 2023 a/w  
Cr.WP No. 04 of 2025**

**Cr.WP No. 14 of 2023**

30.10.2025 Present: Court on its own motion.

Mr. Gobind Korla, Additional Advocate General, for respondents No. 1 & 3.

Mr. Dilip Sharma, Senior Advocate with Mr. Manish Sharma, Advocate, for respondent No. 2.

Mr. Arjun Lall, Advocate, for respondent No. 4.

Mr. Shrawan Dogra, Senior Advocate with Ms. Bhanvi Negi, Advocate, for respondent No. 5.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate, for the applicant in Cr.MP No. 2104 of 2025.

Mr. Abhishek Dulta, Advocate, for the applicant in Cr.MP No. 2103 of 2025.

**Cr.WP No. 04 of 2025.**

Petitioner in person.

Mr. Gobind Korla, Additional Advocate General, for respondents No. 1 & 3.

Mr. Kiran Verma, Advocate for Mr. Rajinder Thakur, Central Government Counsel, for respondent No. 4-Union of India.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Dinkar Bhaskar, Advocate, for respondent No. 5.

Parties have placed on record copy of order dated 16.09.2025, passed by the Apex Court in Special Leave to Appeal (Crl.) No. 14974 of 2024,

titled as ***Sanjay Kundu Vs. Registrar General, the High Court of Himachal Pradesh at Shimla & others***, alongwith connected matter.

2. A perusal of the said order would go on to show that the two reports filed by the SIT before the the two Courts of jurisdictional Magistrate may remain there, but both the reports should now be placed before the High Court, which will look into the same. The Chief Justice of this Court has been asked to call for the two reports filed by the SIT from the respective Courts and thereafter to proceed with the main matter further i.e. Writ Petition Cr.I. No. 14 of 2023. The operative part of the order reads as under:-

*“(i) The two reports which have been filed by SIT before the two Courts of jurisdictional Magistrates may remain over there for the present, however, both the reports should now be placed before the High Court. The High Court will look into the reports. We leave it to the better discretion of the High Court to proceed further in accordance with law after looking into the reports. It will be open for the High Court to allow the two jurisdictional magistrates to proceed further in accordance with law, if satisfied otherwise.*

*(ii) Insofar as the directions are concerned as contained in the Order passed by the High Court dated 23.09.2024, more particularly, addition of Sections 384 to 387 of the Indian Penal Code, 1860 respectively in the FIR No.*

*55 of 2023 is concerned, the same shall also be looked into by the High Court after perusing the two reports filed by the SIT.*

*(iii) The Registry shall forward one copy of this order at the earliest to the Hon'ble Chief Justice of the Himachal Pradesh High Court. The Chief Justice shall call for the two reports filed by the SIT from the respective Courts, referred to above and thereafter proceed to look into the main matter further i.e. Writ Petition Crl.No. 14 of 2023 pending before it in accordance with law."*

3. We are now told that in FIR No. 55 of 2023, dated 16.11.2023, lodged by Mr. Nishant Sharma, at Police Station Mcleodgang, Dharamshala, a cancellation report has been filed, which is now pending before the Court of Chief Judicial Magistrate, Kangra at Dharmshala. Similarly, in FIR No. 98 of 2023, dated 04.11.2023, lodged by Mr. Sanjay Kundu, at Police Station East Shimla, a cancellation report has been filed, which is now pending before the Court of Additional Chief Judicial Magistrate, Shimla.

4. Accordingly, District Judge, Dharamshala and District Judge, Shimla are directed to send copies of the aforesaid reports to this Court before the next date of hearing.

5. Mr. Nishant Sharma, petitioner appearing in person in Cr.WP No. 04 of 2025, submits that he had accepted notice in Cr.M.P. No. 2104 of 2025 filed

in Cr.WP No. 14 of 2023, which has been filed for impleadment, while appearing through Video Conferencing, but he has not been supplied copy of the said application. Mr. Dinkar Bhaskar, Advocate, appearing for the applicant in the said application, submits that copy of the said application will be supplied to the petitioner during the course of day. Accordingly, reply to the said application be filed.

6. Reply to Cr.MP No. 2103 of 2025 in Cr.WP No. 14 of 2023 has already been filed, with advance copy of the same. Office to trace and place the same on record, after removal of objection(s), if any.

List on **15.12.2025.**

**(G.S. Sandhawalia)**  
**Chief Justice.**

**(Jiya Lal Bhardwaj)**  
**Judge**

**October 30, 2025**  
*(hemlata)*