

21.02.2025 Present: Mr. K.S. Thakur, Senior Advocate, with
Mr. S.K. Banyal, Advocate, for the petitioner.

Mr. Y.P.S. Dhaulta, Additional
Advocate General, for respondents-State.

Cr. MMO No.80 of 2025

Heard.

Notice. Mr. Y.P.S. Dhaulta, Learned Additional
Advocate General, appears and waives service of notice on
behalf of Respondents-State.

Cr. MP No.473 of 2025

Heard.

Notice in aforesaid terms.

2. Instant application has been filed under
Section 528 of Bharatiya Nagrik Surksha Sanhita (BNSS),
2023, praying for staying the summoning order dated
30.08.2024 [Annexure P-2] and the proceedings, in Case
No.1087/2024, titled as *State Vs. Kundan Lal & Ors.*

3. The petitioner, is a Medical Officer, under the
State Government and is posted at CHC Thunag, District
Mandi w.e.f. 17.10.2023. During her posting at Thunag, a
person came for her treatment. However, the Learned
Special Judge, Fast Track Court, Mandi has issued the

summoning order on 30.08.2024 [Annexure P-2], against the petitioner, ignoring the fact, petitioner was not named as accused in FIR and even in summoning order there was no mention of accusation under Section 21 of POCSO Act; petitioner had no knowledge of minority and or majority of victim at the relevant time. In this background, it is contended that the Impugned Order dated 30.08.2024 [Annexure P-2] and the proceedings undertaken thereon are not in consonance with law.

4. Taking into account, the entirety of the facts and circumstances, this Court at this stage, is of the *prima -facie* view, that the case for grant of interim order has been carved out.

Accordingly, in the interim, further proceedings on the basis of summoning order dated 30.08.2024, qua the petitioner, shall remain deferred, till the next date of hearing.

List the matter, before appropriate Bench,
on **27.03.2025**.

February 21, 2025
(Shamsh Tabrez)

(Ranjan Sharma)
Vacation Judge