

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.1229 of 2024 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Aditya Pratap Singh, learned counsel for the applicant. 2. By the instant application, the applicant is challenging the proceeding of Complaint Case No.18 of 2024, "Vijay Singh Mahara versus Basanti Devi and Others, wherein the Chief Judicial Magistrate, Champawat, took cognizance for the offence punishable under Section 420 IPC. 3. The brief facts of the case are that one Mahesh Singh sold a piece of land to Smt. Basanti Pandey by virtue of a registered Sale Deed dated 15.12.2020, and, thereafter, the mutation proceedings were initiated on 10.05.2021. In mutation proceedings the directions were issued to enter the name of Basanti Devi in the Revenue Record in place of Mahesh Singh. Subsequently, thereafter, Basanti Devi and Mahesh Singh approached to the present applicant, who is an Advocate-Notary and practising in District Court, Champawat and requested that they want to withdraw mutation proceeding and on their request the present applicant being an Advocate moved an application for withdrawal of mutation proceeding and the mutation proceeding was withdrawn on 04.12.2023. 4. Thereafter, a complaint was filed by the present respondent with the

			allegations that the present applicant is <i>hand in glove</i> with the other persons including Mahesh Singh and Basanti Pandey. 5. Learned counsel for the applicant submits that the present applicant who is a practising lawyer and is also an Advocate Notary has nothing to do with the allegation as alleged in the complaint and he has no nexus in the land <i>in-question</i> and simply being an Advocate, he has proceeded to move an application on the request of Mahesh Singh and Basanti Pandey for withdrawal of the mutation proceeding. It is also pleaded in Para No.16 of the affidavit that a suit for cancellation of sale deed is also filed. 6. I found force on the submissions as advanced by learned counsel for the applicant. 7. Issue notice to respondent. 8. Learned counsel for the applicant shall take steps to serve respondent. 9. Respondent may file counter-affidavit within four weeks. Two weeks' time, thereafter, is also granted to the counsel for the applicant to file rejoinder affidavit. 10. List this matter on 21.08.2024. 11. In the meantime, the summoning order dated 22.06.2024, passed by the Chief Judicial Magistrate, Champawat in Complaint Case No.18 of 2024, Vijay Singh Mahara versus Basanti Devi and others, shall remain stayed <i>qua</i> the present applicant only. (Rakesh Thapliyal, J.) 04.07.2024 R.Bisht
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