

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><u>C482 No. 1314 of 2023</u> <u>C482 No. 1281 of 2015</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Piyush Garg, learned counsel for the applicant in C482 No. 1314 of 2023. 2. Mr. G.S. Sandhu, learned Additional Advocate General for the State. 3. Mr. Saurabh Kumar Pandey and Mrs. Manisha Bhandari, learned counsel for the respondent. 4. Mr. Aditya Singh, learned counsel for the applicant in C482 No. 1281 of 2015. 5. Mr. Lalit Sharma, learned counsel for the C.B.I. 6. Today the matter is argued by the learned counsel for the parties at length and the main argument as advanced by the learned counsel for the applicant is that this is a case in which on 04.09.2013 the DGP was asked to file an affidavit disclosing the status of the investigation and also disclosing the fact that whether the statement of the prosecutrix were got recorded under Section 164 of Cr.P.C., if not, why? 7. In compliance thereof, the DGP filed an affidavit on 16.09.2013 by stating therein that despite the opportunities given to the prosecutrix she never turned up to get her statement to be recorded under Section 164 of Cr.P.C. 8. Mr. Piyush Garg, learned counsel for the applicant, placed before this court the complete order sheet of WPCRL No. 1047 of 2013 and it appears from the order sheet that the prosecutrix were given two Amicus Curiae in order to assist the court on her behalf. Mr. J.S. Virk and the senior advocate Mrs. Pushpa Joshi. Thereafter WPCRL Nos. 1047 of 2013 and WPCRL No. 1130 of 2013 were disposed of finally on 19.03.2014 and on that day learned counsel for the victim/prosecutrix stated that CBCID (investigating agency) has submitted final report and as such the Writ Petition No. 1130 of 2013 filed by the accused has therefore rendered infructuous and was dismissed as

infructuous.

9. So far as WPCRL No. 1047 of 2013 is concerned in reference to this learned counsel for the victim/prosecutrix stated that the prosecutrix intends to file the protest petition against the final report submitted by the CBCID and in view of such statement the Coordinate Bench directed that the final report along with the protest petition shall be disposed of by the learned Magistrate according to law as expeditiously as possible and without unreasonable delay.

10. Mr. Piyush Garg submits that thereafter the final report was filed on 31.12.2013 and then the protest was filed, however, the final report was accepted by rejecting the protest petition on 15.09.2015. Subsequent thereto, being aggrieved with the order dated 15.09.2015 rejecting the protest petition and acceptance of final report a criminal revision was filed by the victim/prosecutrix on 07.10.2015 and on the same date the another C482 bearing C482 No. 1281 of 2015 was filed for transferring of investigation to CBI.

11. Mr. Piyush Garg also pointed out that the same grounds were taken in the subsequent C482 petition, which was taken in the protest petition. He further argued that not only this during the pendency of WPCRL No. 1047 of 2013 the prosecutrix was present in court through her counsel but at that point of time no such attempt was made to pray for recording her statement under Section 164 of Cr.P.C. and not only this even she never prayed for transfer of the investigation to the CBI and only after rejection of the protest petition and acceptance of final report she prayed for transfer of investigation to the CBI by filing C482 petition No. 1281 of 2015.

12. On the joint request of the learned counsel for the parties, put up this matter again on 13.10.2025 for further arguments.

(Rakesh Thapliyal, J.)

23.09.2025

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