

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

SRI JUSTICE RAKESH THAPLIYAL, J.

AUGUST 11, 2023

Criminal Miscellaneous Application No. 1314 OF 2023

Between:

Pramendra Dobhal.

.....Petitioner.

And

State of Uttarakhand and Another.

.....Respondents.

Counsel for the petitioner:

Mr. Piyush Garg, learned counsel for the petitioner.

Counsel for the respondents:

Mr. B.P.S. Mer, learned Brief Holder for the State/respondent no. 1.
Mr. Saurabh Pandey, learned counsel holding brief of Ms. Manisha Bhandari, learned counsel for respondent no. 2.

**Upon hearing the learned Counsel, the Court made the following Order:
(per Sri Rakesh Thapliyal, J.)**

1. On 07.07.2023, learned counsel Ms. Manisha Bhandari put her appearance on behalf of respondent no. 2 and submitted that she would take adjournment on the date fixed before the Trial Court and requested that the matter be listed on 21.07.2023, as fresh.
2. In view of such statement that an adjournment would be sought in the court below, the matter was ordered to be listed, as fresh, on 21.07.2023.
3. The matter was again listed on 21.07.2023 and, on that day, learned counsel Ms. Manisha Bhandari again put her appearance on behalf of respondent no. 2 and sought time to file the counter affidavit. On her request, one week time was granted to file the counter affidavit. Simultaneously, three days' time was also granted to the learned counsel for the petitioner to file rejoinder affidavit, and the matter was ordered to be listed on 11.08.2023.

4. Today, learned counsel Mr. Saurabh Pandey put his appearance, holding the brief of Ms. Manisha Bhandari, learned counsel for respondent no. 2 and undertakes that only ten days further time be granted to file the counter affidavit.
5. Let the counter affidavit be filed on behalf of respondent no. 2 within ten days.
6. Ten days' time is also granted to the State counsel to file their counter affidavit.
7. Today, counsel for the petitioner has placed before this Court, the daily status of Court of Additional Chief Judicial Magistrate, Nainital, in reference to Case Number-MISC-CR/0000027/2014 'Mukta Mahra vs. Pramod Dobhal', and the next date fixed before the court is 14.08.2023. (This status report, which has been furnished by Mr. Piyush Garg, counsel for the petitioner, is placed on record).
8. Learned counsel Mr. Saurabh Pandey submits that an application for adjournment has already been moved in the Court of Additional Chief Judicial Magistrate; however, status report does not reflect that any such adjournment application has been moved.
9. Mr. Saurabh Pandey, learned counsel holding the brief of Ms. Manisha Bhandari, counsel, who appears for respondent no. 2 undertakes that on 14.08.2023, he will move an application seeking adjournment in the court of Additional Chief Judicial Magistrate, Nainital, in relation to Case No. MISC-CR/0000027/2014 'Mukta Mahra vs. Pramod Dobhal'. If any such adjournment application is moved, the learned Additional Chief Judicial Magistrate shall consider that adjournment application positively.
10. List this matter on 01.09.2023

11. Let the certified copy of this order be supplied to the learned counsel for the parties, today itself, on payment of usual charges.

RAKESH THAPLIYAL, J.

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