



MCC No. 11 of 2019

In

WPSS No. 1355 of 2012

Hon'ble Sharad Kumar Sharma, J.

Mr. Parikshit Saini, Advocate for the petitioner.

Mr. N.S. Pundir, Deputy Advocate General for the State of Uttarakhand.

The matter is listed on the Correction Application No. 11 of 2019, wherein, the petitioner had sought for the following correction :-

“It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to correct the order to the extent that in para 6 instead of criminal case no. 135 of 2009 shall be corrected to Criminal Case 1352 of 2010 or Case Crime no. 196 of 2010, and instead of petitioner the same shall be read as Respondent no.4 and or to pass any other appropriate order under the facts and circumstances of the case in favour of the petitioner, failing which the petitioner shall suffer irreparable loss and injury.”

By virtue of the correction sought for, he has prayed for the amendment to be made in para 6 of the order dated 20th March, 2018, which reads as under :-

“The impugned order dated 30.06.2011 has been passed without jurisdiction, since Criminal Case No.135 of 2009 was pending against the petitioner.”

The contention of the learned counsel for the petitioner is that when he was giving a challenge to the order dated 30th June, 2011, which was an action taken by the authorities against the petitioner for derelicting in performance of his duties and, as a matter of fact, the reference which has been made therein, pertaining to the Criminal Case No.



135 of 2009, is not a criminal proceedings, in which, the petitioner, nor he is an accused in it or have been drawn against him. Rather he submits that, as a matter of fact, the proceedings of which, he is shown to have derelicted in performance of his official duties of holding the investigation relates to the Case Crime No. 196 of 2010, which ultimately after submission of the chargesheet has resulted into a registration of Criminal Case No. 1352 of 2010 and, that too, as against the respondent No. 4.

In the light of the aforesaid averments as made in the application, para 6 of the order dated 20th March, 2018, as quoted above is corrected and to be read as, “the impugned order dated 30th June, 2011 has been passed without jurisdiction, since Criminal Case No. 1352 of 2010 was pending against respondent No. 4”.

Accordingly, the Correction Application No. 11 of 2019 stands allowed. Order dated 20.03.2018 may be treated to be corrected / modified to that extent.

(Sharad Kumar Sharma, J.)

Dated 07.01.2019

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