

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).443/2007

(From the judgement and order dated 19/12/2006 in CRLMA No.
1034/2006 of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

JAGDISH PANDEY

Petitioner(s)

VERSUS

STATE OF UTTARANCHAL & ORS.

Respondent(s)

(with appln.(s) for stay and directions and office report)
with CRL.M.P.No.1924/2010 (appln. for modification of Court's
order dated 26.10.09)

Date: 29/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Chandra Shekhar, Adv.
Mr. Saurabh Upadhyay, Adv.
Mr. Sanjay Kr. Tyagi, Adv.
Mr. S.K. Verma, Adv.

For Respondent(s) Mr. Satyajit A. Desai, Adv.
Ms. Anagha S.Desai, Adv.

UOI Mr. P.P. Malhotra, ASG.
Ms. Ranjana Narayan, Adv.
Mr. C.K. Sharma, Adv.
Mr. A.K. Sharma, Adv.

R1 Mr. P. Parmeswaran ,Adv.
Mr. S.S. Shamsbery, Adv.
Mr. P.N. Gupta, Adv.

Contd..2/- Mr. Vivek Gupta, Adv.

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UPON hearing counsel the Court made the following
ORDER

th
On 12 May, 2009, we had adjourned the
matter since we were informed that the final reports
said to have been filed by the CBI was the subject-
matter of challenge in the High Court as well. When
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the matter once again appeared on 26 October, 2009,
we were informed that the earlier information was

incorrect and, in fact, a decision had been taken by the State Government not to proceed against the accused persons in CrI.W.P., which was pending before the High Court. It was also stated that pursuant to the said decision, an application was also made before the trial court under Section 321 Cr.P.C. for withdrawal from prosecution.

While adjourning the matter, we had directed the High Court to dispose of the pending writ petition at an early date. Unfortunately, the intention of the State Government, not to proceed against the accused persons has been wrongly recorded as if it was the intention of the State Government to proceed against them. Let the said observations be corrected to read that the State Government had decided not to proceed against the accused persons in the criminal writ petition.

Let the number of the pending writ petition be also corrected to read W.P.(CrI.) No. 610 of

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2008, instead of W.P(CrI.)No.610 of 2000.

The Registry is directed to carry out the corrections accordingly.

The High Court is requested to dispose of the matter early, but preferably within a period of two months from the date of communication of this order.

Having regard to the order passed on 12/05/2009 and 26/10/2009, the Special Leave Petition is also disposed of since no useful purpose will be served in keeping the same pending.

(Sheetal Dhingra)
Court Master

(Vinod Kulvi)
Court Master