

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).6359/2013

(From the judgement and order dated 26/06/2012 in CRLWP No.559/2012, of  
The HIGH COURT OF UTTARAKHAND AT NAINITAL)

STATE OF UTTARAKHAND ANR.

Petitioner(s)

VERSUS

YOGENDRA PRASAD

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)  
(For Final Disposal)

WITH SLP(Crl) NO. 6977 of 2013

(With appln(s) for exemption from filing O.T. and office report)

Date: 22/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Dinesh Kumar Garg, Adv.  
Mr. Abhishek Garg, Adv.  
Mr. Dhananjay Garg, Adv.  
Mr. S.K. Bandyopadhyay, Adv.

For Respondent(s)

Mr. Vinay Kumar, Adv.  
Mr. M.P. Shorawala, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The grievance raised in these petitions had been that certain charges have been quashed by the High Court in exercise of its power under Section 482 CrPC though the charges had been filed by the prosecution in these cases, i.e. under Section 409 IPC and Section 409 IPC read with Section 420 IPC also. Therefore, the High Court had committed an error and there is sufficient material on record making out a case against the respondent under Section 409 IPC and Section 409 read with Section 420 IPC also.

In view of the judgment of this Court in Umesh Kumar Vs. State of Andhra Pradesh & Anr. reported in 2013(11) SCALE 28 wherein we have made it clear that any order passed by the High Court or this Court dealing with the charges or quashing of the

charge-sheet partly shall always be subject to the order to be passed by the Magistrate in

-2-

exercise of his power under Section 216 CrPC only with a rider of Section 217 CrPC.

In view thereof, we are not inclined to entertain the special leave petitions. In case the evidence comes before the learned trial Court, the Court may modify the charges accordingly.

With these observations, the special leave petitions stand disposed of.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	