(2024) 12 UK CK 0068

Uttarakhand High Court

Case No: Criminal Miscellaneous Application U/s 482 No. 704 Of 2024

M/s Sky Flair Hotel And Resort Pvt. Ltd. And Another		APPELLANT
	Vs	
State Of Uttarakhand And Another		RESPONDENT

Date of Decision: Dec. 13, 2024

Acts Referred:

- Negotiable Instruments Act, 1881 - Section 138
- Code Of Criminal Procedure, 1973 - Section 82, 83

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: C.K. Sharma, Nitin Tewari, Bhaskar Chandra Joshi, H.C. Pathak

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of this C482 application, applicants have challenged the cognizance/ summoning order dated 01.11.2023 as well as the entire proceedings

of Criminal Case No.121 of 2023 â€œCorbett Ratan Vs. Sky Flair Hotel Resort and Othersâ€ under Section 138 of N.I. Act pending in the Court of

learned Judicial Magistrate, Ranikhet, District Almora.

3. Learned counsel for the applicants limited his argument to this effect that the Non-bailable Warrant have been issued against the applicants and

subsequently, proceeding u/s 82 and 83 of the Cr.P.C. has been commenced and the notices have also been issued and the same may be interfered

with as applicant No.2 is ready to appear before the learned Trial Court.

4. Learned counsel for the applicant gave an undertaking before this Court that the applicant will appear before the learned trial court within a period

of 15 days from today and till then, execution of Non-bailable Warrant as well as the proceedings of u/s 82 and 83 of the Cr.P.C., be kept in

abeyance.

5. Learned counsel for the respondent No.2 has no objection, if such liberty is granted to the applicants.

6. Accordingly, the C482 application disposed of. Applicant-Amit Garg is directed to appear before the Court of learned Judicial Magistrate, Ranikhet,

District Almora on or before 27.12.2024. Till 27.12.2024, the proceedings commenced against the applicant under Section 82 and 83 of the Cr.P.C.

and execution of NBW issued against the applicant-Amit Garg in Criminal Case No.121 of 2023 â€œCorbett Ratan Vs. Sky Flair Hotel Resort and

Othersâ€ under Section 138 of N.I. Act pending in the Court of learned Judicial Magistrate, Ranikhet, District Almora, shall be kept in abeyance. If

the applicant does not appear before the Court of learned Judicial Magistrate, Ranikhet, District Almora on or before 27.12.2024, the execution of

NBW and proceedings of Section 82 and 83 of the Cr.P.C. shall be proceeded with by the learned Judicial Magistrate, Ranikhet, District Almora, in

accordance with law, swiftly.

7. Pending application, if any, also stands disposed of.