

(2011) 02 UK CK 0049

Uttarakhand High Court

Case No: Criminal Writ Petition No. 115 of 2011

Shiv Kumar

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision: Feb. 23, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226
- Penal Code, 1860 (IPC) - Section 273

Hon'ble Judges: Prafulla C. Pant, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Prafulla C. Pant, J.

Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the Petitioner has sought mandamus directing the Respondents not to arrest the Petitioner.

3. It appears that crime No. 26 of 2011, 27 of 2011 and 28 of 2011 were registered relating to offences punishable u/s 60 Excise Act, Section 273 IPC, against the three accused namely Nawab, Balwan and Budhram after recovery of certain quantity of foreign liquor. It appears that the three arrested person disclosed that the liquor was being carried belonging to Petitioner Shiv Kumar and one Balram. Learned Counsel for the Petitioner submitted that Petitioner has been falsely named by the co-accused.

4. However, the factual disputes raised in the petition cannot be a ground for interfering with the investigation at this stage.

5. Therefore, without expressing any opinion as to final merits of the case this writ petition is dismissed summarily. (Interim relief application No. 1138 of 2011, also

stands dismissed).