

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>02.09.2022</u>		<p>C482 No. 1561 of 2022</p> <p><b><u>Hon'ble Sharad Kumar Sharma, J.</u></b></p> <p>Mr. Avidit Noliyal, Advocate, for the applicant.</p> <p>Mr. T.C. Aggarwal, Deputy Advocate General, along with Ms. Lata Negi, Brief Holder, for the State.</p> <p>In the present C-482 Application, the applicant, who is an accused for the offences under Sections 354A(1)(ii), 354d(i)(ii), 387 and 506 of the IPC, and Section 67A of the Information &amp; Technology Act, 2000, which has been registered at Police Station Kankhal, district Haridwar. As a consequence of the culmination of the investigation, a Charge Sheet dated 26.12.2021 was submitted by the Investigating Officer before the learned trial Court, on which, summoning order dated 27.07.2022 has been issued after registration of a Criminal Case No. 370 of 2022, State Vs. Vinish Saini.</p> <p>There are two fold arguments, which have been extended by the learned counsel for the applicant.</p> <p>Firstly, that both are major and there was a consensual relationship between them and that itself will eradicate the set of allegations which had been levelled against the present applicant. This could have been an aspect to be considered subject, to the condition there was no offence levelled against the applicant under Section 66 of the IT Act.</p> <p>Secondly, he submits that the summoning order does not disclose an application of mind and hence it is bad in the</p>

			<p>eyes of law.</p> <p>If the impugned order itself is scrutinized, in fact, the decipher which has been made by the learned trial Court, necessitating the summoning of the present applicant for being tried for the offence, which has been complained of, it apparently speaks about the WhatsApp chat details; the illicit videos and video calls, which were made by the applicant along with the threat, to victimise the complainant/respondent No. 2, by throwing acid on her and threatening her under that pretext, that itself would reflect, that when the Court has considered the contents of the Charge Sheet along with the evidences which were also already considered by the Investigating Officer and then only has come to the conclusion for summoning the present applicant for commission of the offence itself reflects an application of mind.</p> <p>In that eventuality, the order of issuing of summons to the present applicant, do not suffer from any apparent legal vices in order to invoke my extraordinary inherent jurisdiction under Section 482 of the Cr.PC and that too particularly when the applicant himself during the course of the argument has submitted that the applicant has already been arrested.</p> <p>In that eventuality, this Court is not inclined to interfere in the exercise of my inherent jurisdiction under Section 482 of the Cr.PC, the present C-482 Application lacks merit and the same is accordingly dismissed.</p> <p style="text-align: right;"><b>(Sharad Kumar Sharma, J.)</b> 02.09.2022</p> <p>Mahinder/</p>
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