

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Miscellaneous Application No. 509 of 2024

Satyaveer Singh Petitioner

Vs.

Vikint Kumar and Another Respondents

Presents:-

Mr. Vishal Kumar Nautiyal, Advocate for the petitioner.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the following:-

- (i) Order dated 12.07.2023, passed in Misc. Application No.198 of 2023, Satyaveer Singh Vs. Vikint Kumar and another, by the court of Additional Chief Judicial Magistrate, Laksar, District Haridwar ("the misc. case"). By it, an application filed under Section 156(3) of the Code of Criminal Procedure, 1973 ("the Code") by the petitioner has been rejected.
And;
- (ii) The judgment and order dated 16.04.2024, passed in Criminal Revision No.215 of 2023, Satyaveer

Singh Vs. State of Uttarakhand and Others, by the court of Sessions Judge, Haridwar (“the Revision”). By it the order dated 12.07.2023, passed in the misc. case has been upheld.

2. Heard learned counsel for the petitioner and perused the record.

3. The petitioner filed an application under Section 156(3) of the Code against the respondents. According to the application, the respondents Vikint Kumar and Pankaj Kumar purchased fertilizers from Cooperative Sugar Committee, Laksar, and would sell it at a higher price, due to which the farmers and the petitioner were compelled to purchase fertilizers at a higher rate. It is also alleged that between 2015 and 2017, the respondents took loan beyond the prescribed limits. It is this application, which was rejected by the order dated 12.07.2023, passed in the misc. case. A report was also sought from police station as to whether any case has been lodged in the matter or not. According to the police report, there is an internal enquiry pending in the Sugar Committee.

4. Learned counsel for the petitioner would submit that the respondents did take fertilizers from the

Sugar Committee and sold it at a higher price. In addition to it, it is also alleged that private respondents had taken loan beyond prescribed limits.

5. In the impugned order dated 12.07.2023, after considering the averments, the court has held that, prima facie, no cognizable offence is disclosed. This is what has been held in the judgment and order dated 16.04.2024, passed in the Revision. This Court does not find any error in the finding recorded by the courts below.

6. Having considered, this Court is of the view that there is no reason to make any interference in the impugned orders. Accordingly, the petition deserves to be dismissed at the stage of admission itself.

7. The petition is dismissed *in limine*.

(Ravindra Maithani, J.)
14.10.2024