



IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

Criminal Misc. Application No.25 of 2025

Central Bureau of Investigation

.... Applicant

Versus

State of Uttarakhand and others

..... Respondents

Present:-

Mr. Piyush Garg, learned counsel for the CBI.

Mr. Rakesh Joshi, learned AGA for the State.

Mr. Nikhil Khushwaha, learned counsel holding brief of Mr. Tapan Singh, learned counsel for the private respondents.

Hon'ble Siddhartha Sah, J. (Oral)

By means of the present Criminal Miscellaneous Application under Section 447 of the BNSS, the applicant has sought the transfer of the trial of Misc. Criminal Case No. 01 of 2023, State of Uttarakhand v. Brij Bihari Sharma, arising out of Charge-sheet No. 1/2023 dated 07.01.2023, and Misc. Criminal Case No. 22 of 2023, State of Uttarakhand v. Kishan Chand, arising out of Charge-sheet No. 1A/2023 dated 21.03.2023, filed in connection with FIR No. 06/2022 dated 08.08.2022 registered by the Vigilance Establishment, Uttarakhand, Nainital Sector, Haldwani,



from the Court of the learned Special Judge, P.C. Act, Kumaun Region, Haldwani, Uttarakhand, to the Court of the learned Special Judge, Anti-Corruption, CBI, Dehradun.

2. Learned counsel for the applicant submits that, in compliance with the order dated 06.09.2023 passed by this High Court in WP (PIL) No. 178 of 2021, the CBI, ACB, Dehradun, re-registered the case as FIR No. RC0072023A0008 under Sections 420, 466 and 467 of the Indian Penal Code, Sections 3A and 3B of the Forest (Conservation) Act, 1980, and Section 13(1)(a) of the Prevention of Corruption Act, 1988 (as amended in 2018), by incorporating FIR No. 06/2022 dated 08.08.2022 of the Vigilance Establishment, Nainital Sector, Haldwani. A copy of the FIR dated 11.10.2023 has been annexed as Annexure No. 5 to the affidavit.

3. It is further submitted that the learned Special Judge, P.C. Act, Kumaun Region, Haldwani, Uttarakhand, allowed the application moved by the CBI. Thereafter, the learned Special Judge, P.C. Act/2nd Additional District & Sessions Judge, Haldwani, vide orders dated 22.05.2024 and 21.08.2024, supplied all the documents, as per the list of documents in H.C.J.



Form No. 9, Part IX, filed with Charge-sheet No. 1/2023 dated 07.01.2023 and Charge-sheet No. 1A/2023 dated 21.03.2023 by the Vigilance Establishment, Nainital Sector, Haldwani, to the CBI on 22.05.2024 and 21.08.2024.

4. It is further submitted that the investigation in CBI Case No. RC0072023A0008 has been completed, and a charge-sheet/final report under Section 173(2) Cr.P.C. for the offences punishable under Sections 120-B, 218, 409, 467 and 471 of the IPC; Section 13(2) read with Section 13(1)(a) of the Prevention of Corruption Act, 1988 (as amended in 2018); Sections 26(1)(f) and (h) of the Indian Forest Act, 1927; Section 2(iv) read with Sections 3A and 3B of the Forest (Conservation) Act, 1980; and Sections 27(2)(a), 27(4) and 35(6) read with Section 51 of the Wildlife (Protection) Act, 1972, has been filed before the learned Special Judge, Anti-Corruption, CBI, Dehradun, on 30.04.2025, which is the designated Court for trying cases investigated by the CBI, against the following accused public servants:

- i. Shri Kishan Chand, the then Deputy Conservator of Forests/Divisional Forest Officer, Kalagarh Tiger Reserve Division, Lansdowne.



ii. Shri Brij Bihari Sharma, the then Forest Range Officer, Sonanadi & Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

iii. Shri Rahul, the then Director, Corbett Tiger Reserve, Ramnagar, Nainital.

iv. Shri Akhilesh Tiwari, the then Deputy Conservator of Forests/Divisional Forest Officer, Kalagarh Tiger Reserve Division, Lansdowne.

v. Shri Mathura Singh Mavdi, Deputy Ranger, Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

vi. Shri Surendra Singh, the then Forester/Van Daroga, Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

vii. Shri Sandeep Arya, the then Forest Guard, Sonanadi Range, Kalagarh Tiger Reserve Division, Lansdowne.

viii. Shri Rajesh Rawat, the then Wireless Operator (daily wages), Pakhro Range, Kalagarh Tiger Reserve Division, Lansdowne.

5. It is also submitted that, since the Final Report under Section 173(2) Cr.P.C. has been filed before the learned Special Judge, Anti-Corruption, CBI, Dehradun, it is imperative, in the interest of justice, that the proceedings pending before the learned Special Judge, P.C. Act, Kumaon Region, Haldwani, be transferred to the



notified Court of the learned Special Judge, Anti-Corruption, CBI Cases, Dehradun, for the smooth prosecution of the case and to avoid any procedural inconsistencies and jurisdictional conflicts. On these grounds, the present transfer application has been filed.

6. Learned counsel for the applicant further submits that the transfer application is formal in nature since the charge-sheet has already been filed before the CBI Court at Dehradun, which alone has jurisdiction to try cases investigated by the CBI. He, therefore, seeks the transfer of Misc. Criminal Case No. 01 of 2023, State of Uttarakhand v. Brij Bihari Sharma and Misc. Criminal Case No. 22 of 2023, *State of Uttarakhand v. Kishan Chand*, from the Court of the learned Special Judge, P.C. Act, Kumaon Region, Haldwani, to the Court of the learned Special Judge, Anti-Corruption, CBI, Dehradun. It is submitted that, as the charge-sheet has already been filed before the Court of the learned Special Judge, Anti-Corruption, CBI, Dehradun, the present transfer application, being formal in nature, deserves to be allowed.

7. Having considered the submission of learned counsel for the applicant and perused the material



available on record, this Court finds that the transfer sought is purely formal in nature. It is not disputed that the charge-sheet has already been filed before the Court of the learned Special Judge, Anti-Corruption, CBI, Dehradun, which is the competent Court having jurisdiction to try cases investigated by the CBI. Consequently, the continuation of Misc. Criminal Case No. 01 of 2023, *State of Uttarakhand v. Brij Bihari Sharma*, and Misc. Criminal Case No. 22 of 2023, *State of Uttarakhand v. Kishan Chand*, before the Court of the learned Special Judge, P.C. Act, Kumaon Region, Haldwani, would not be in consonance with the jurisdiction vested in the CBI Court at Dehradun.

8. Accordingly, the transfer application deserves to be allowed. Misc. Criminal Case No. 01 of 2023, *State of Uttarakhand v. Brij Bihari Sharma*, and Misc. Criminal Case No. 22 of 2023, *State of Uttarakhand v. Kishan Chand*, is transferred from the Court of the learned Special Judge, P.C. Act, Kumaon Region, Haldwani, to the Court of the learned Special Judge, Anti-Corruption, CBI, Dehradun, for disposal in accordance with law.

(Siddhartha Sah, J.)
17.07.2026