

Court No. - 69

Case :- APPLICATION U/S 482 No. - 5407 of 2002

Applicant :- Kushal Pal And Others

Opposite Party :- State of U.P. and Others

Counsel for Applicant :- C.M. Shukla, Ganesh Shankar Dubey, Puneet Kumar Shukla

Counsel for Opposite Party :- Govt. Advocate, P. Dikshit

Hon'ble Samit Gopal, J.

1. Sri Dasrathi Das, holding brief of Sri Ganesh Shankar Dubey, appears for the applicants, Sri P. Dixit, appears for opposite party no. 3 and Sri Ajay Singh, learned A.G.A.-I for the State are present.

2. The records have been perused.

3. Learned counsel for applicants again prays for an adjournment in the matter.

4. On 27.10.2023 the following order was passed by this Court:-

"1. List revised.

2. Sri Rishabh Baghel holding brief of Sri G.S. Dubey, learned counsel for the applicants, Sri P. Dixit, learned counsel for the opposite party no.3 and Sri Ajay Singh, learned A.G.A-I for the State are present.

3. Sri Rishabh Baghel, Advocate states that G.S. Dubey, learned counsel for the applicants, is unwell and as such the matter be adjourned for ten days.

4. Learned counsel for the opposite party no.3 and learned A.G.A submits that the present petition is totally misconceived as the prayer made in the petition is only for stay of proceedings and coercive action but there is no final prayer.

5. Since there is a request for adjournment on the ground of illness, the same is allowed for today.

6. Let the matter be listed on 8.11.2023 peremptorily."

5. The matter was directed to be listed peremptorily today.

6. In view of this previous order the matter cannot be adjourned.

7. The present application under 482 Cr.P.C. has been filed with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to stay the proceedings pending before the learned Civil Judge (Jr. Division)/Judicial Magistrate, Atarauli, Aligarh, Case No. 6 of 2002 arising out of Case Crime No. 566 of 1999, under sections 364 and 120-B of Indian Penal Code, P.S. Atarauli, District- Aligarh.

"It is, therefore, further prayed that this Hon'ble Court may kindly be pleased to direct the respondents not to take any coercive action against applicants and pleased to pass any other suitable order which this Hon'ble Court may be fit and proper in view of the facts and circumstances of the case, otherwise the applicants shall suffer irreparable loss and injury."

8. An objection has been raised by learned counsel for opposite party no. 3 and learned A.G.A-I that the present petition has been filed only with prayers which are interim in nature and there is no final prayer made in the petition and as such the same is not maintainable.

9. Learned counsel for applicants could not give any justification for the same and also could not dispute the said argument.

10. In view of the same the present petition stands **dismissed**.

11. Interim order, if any, is vacated.

.

(Samit Gopal,J.)

Order Date :- 8.11.2023

Vikram