

Court No. - 92

Case :- APPLICATION U/S 482 No. - 10215 of 2007

Applicant :- Subhash Chandra

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

Counsel for Applicant :- Amarendra Pratap Singh

Counsel for Opposite Party :- Govt. Advocate, Preet Pal Singh Rathore

Hon'ble Anish Kumar Gupta, J.

1. None appears for the applicant.
2. Sri Preet Pal Singh Rathore, learned counsel for opposite party no.2 is present in Court.
3. On 14.9.2023, this Court passed the following order:

"1. None appears for the applicants. Sri Pankaj Srivastava, learned AGA is present for the State.

2. The instant application under Section 482 Cr.P.C. was filed in the year 2007 seeking quashing of the order dated 04.04.2007 passed by the Sessions Judge, Basti in Criminal Revision No. 1198 of 2006 (Sanjai Tiwari and others vs. Sanjai. and others) whereby the Revisional Court had set aside the order dated 27.11.2006 allowing the application of the applicant herein filed under Section 156(3) Cr.P.C.

3. Vide order dated 10.05.2007, passed by this Court, the order dated 04.04.2007 passed by the Sessions Judge, Basti in Criminal Revision No. 1198 of 2006 was stayed. The effect of stay of the order dated 04.04.2007 is that the order dated 27.11.2006 passed by the Judicial Magistrate- Ist Class, Court No.2, Basti was revived. Therefore, it appears that in pursuance of the order dated 27.11.2006 passed in Misc. Case No. 537/12/06 (Subhash Chandra vs. State of U.P. and others), the FIR might have been registered and the case might have been proceeded in accordance with law.

4. In view thereof, let the status report be filed by the Chief Judicial Magistrate, Basti with regard to the status of the case registered in pursuance of the order dated 27.11.2006 passed in Misc. Case No. 537/12/06 (Subhash Chandra vs. Sanjai and others).

5. In view of the aforesaid, Registry is directed to communicate this order to the concerned Chief Judicial Magistrate and call for a status report within four weeks.

6. Put up this matter on 12.10.2023 in the additional cause list."

4. In pursuance of the order dated 14.9.2023, learned Chief Judicial Magistrate, Basti has submitted a report stating therein that in pursuance of order dated 27.11.2006 passed in Civil Misc. Case No. 537/12/2006 (Subhash Chandra Vs. Sanjay and others), a final report was submitted, which was disposed of by The then Presiding Officer on 11.1.2007. Therefore, as per report of the learned Magistrate, the instant application has become infructuous.

5. In view of above, the instant application is **dismissed** for non prosecution as well as having become infructuous.

Order Date :- 12.10.2023

CS/-