

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 1904 of 2023

Petitioner :- Prakhar Shukla

Respondent :- State Of U.P. And Another

Counsel for Petitioner :- Vidya Kant Rai

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. None responds for the petitioner.
2. Learned AGA for the State is present.
3. As none is responding for the petitioner and this petition under Article 227 is pending since last 8 months, hence to decide the matter on merits I went through the grounds taken in the petition.
4. The petitioner has challenged the summoning order dated 14.08.2022 and the order passed in revision, affirming the same. The main ground taken by the petitioner in essence is that from the side of the accused, a judgment of Supreme Court was cited but the same was not considered by the Trial Court. The court of revision also dismissed the revision without considering the facts and circumstances of the matter and passed order in an arbitrary manner.
5. From the submissions of the learned AGA for the State and the papers on record, it appears that the learned Trial Court, on the basis of the judgment of The Supreme Court in Criminal Appeal No.1375-1376 of 2013, Asian Resurfacing of Road Agency Pvt. Ltd. vs. Central Bureau of Investigation dated 28.03.2018 and on the basis of a circular issued by this Court, Circular No.12/Admin G-2 passed an order on 17.02.2021 for summoning all the accused persons. The case remained fixed for appearance of the accused persons since the date of the order dated 17.02.2021 till 14.08.2022. On the date fixed i.e. 14.08.2022, both sides were heard and the order summoning the accused was not interfered at. The order dated 14.08.2022 has been assailed by the petitioner in this case.
6. From the perusal of material on record, this is clear that the order dated 14.08.2022 has been passed in continuation of earlier

order dated 17.02.2021. Perusal of papers show that original order of summoning was passed on 17.02.2021 and the impugned order which alone is under challenge has been passed on the basis of earlier order. And the earlier order remains unchallenged. No new fact/or development took place meanwhile. The petition, in my view is highly misconceived. No case for interference is made out. Hence, this petition is hereby **dismissed**.

Order Date :- 7.12.2023

Priya