

Court No. - 2

Case :- MATTERS UNDER ARTICLE 227 No. - 1424 of 2023

Petitioner :- Sarveshwar Gupta

Respondent :- State Of U P And Another

Counsel for Petitioner :- Sudeep Dwivedi

Counsel for Respondent :- G.A., Hari Narayan Singh

Hon'ble Ms. Nand Prabha Shukla, J.

Sri Sudeep Dwivedi, learned counsel for the petitioner, Sri Hari Narayan Singh, learned counsel for opposite party no.2 and learned A.G.A. for the State are present.

At the very outset, learned counsel for the opposite party no.2 has raised an objection that present writ under Article 227 of the Constitution is not maintainable. The petitioner may prefer an appropriate remedy by filing the Criminal Revision against the impugned order under Section 397/401 Cr.P.C.. In the meantime, the delay which may occur in preferring the said revision, shall be ignored for the obvious reasons.

The writ petition is dismissed as withdrawn with liberty aforesaid. .

With the aforesaid observation, the petition is dismissed as withdrawn with liberty to file criminal revision in accordance with law.

Office is directed to return the certified copies of the documents annexed with this petition to learned counsel for the petitioner after retaining photo copies of the same.

Order Date :- 1.12.2023

A.N. Mishra