

Court No. - 69

Case :- APPLICATION U/S 482 No. - 6050 of 2002

Applicant :- Dukhram

Opposite Party :- C.J.M. And Others

Counsel for Applicant :- Uma Nath Pandey

Counsel for Opposite Party :- Govt. Advocate, Siddharth Shukla

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Manan Kumar Chaubey holding brief of Sri Uma Nath Pandey, learned counsel for the applicant and Sri Triveni Sharan Rai, learned counsel for the State. Sri Siddharth Shukla, learned counsel for the opposite party no. 2, is not present.

3. Present application under section 482 Cr.P.C. has been filed before this Court with the following prayers:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the chargesheet submitted in N.C.R. No. 10/2002 under section 211 I.P.C. pending in the court of Chief Judicial Magistrate, Basti.

It is further prayed that during the pendency of the criminal application under section 482 Cr.P.C., further proceeding in N.C.R. No. 10/2002 under section 211 I.P.C. pending in the court of Chief Judicial Magistrate, Basti be stayed."

4. After some arguments on merit, learned counsel for the applicant states that the purpose of the applicant would suffice if an order is passed directing the trial court to decide the bail application of the applicant, as expeditiously as possible in view of the judgement of the Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation: 2022 LiveLaw (SC) 577**. He further states that although the prayer has been made for quashing of the charge sheet but he does not press the same. He further states that the applicant shall raise all the questions/objections before the trial court.

5. Learned counsel for the State has no objection of aforesaid arguments of learned counsel for the applicant.

6. In view of the above, the prayer for quashing of the charge sheet is dismissed as not pressed.

7. However, in view of the peculiar facts and circumstances of the case and looking to the limited prayer of learned counsel for the applicant, it is directed that if the accused-applicant surrenders before the trial court and applies for bail within two weeks from today, the same shall be considered and decided expeditiously in accordance with law keeping in view the case of ***Satender Kumar Antil (supra)***. Till the aforesaid period or till the time of surrender, whichever is earlier, no coercive action shall be taken against the applicant.

8. It is clarified that if the accused-applicant does not appear before the court concerned by the said date, the court concerned shall proceed against him in accordance with law.

9. The petition stands disposed of.

10. Interim order, if any, stands vacated.

Order Date :- 13.12.2023

K.K. Maurya

(Samit Gopal,J.)