

Court No. - 6

Case :- WRIT - C No. - 35592 of 2023

Petitioner :- Satya Prakash Upadhyay

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vishnu Pratap Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Prashant Kumar,J.

1. Heard Shri Vishnu Pratap Pandey, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioner has prayed for a direction in the nature of certiorari quashing the order dated 16.03.2023 as well as order dated 07.08.2013 passed by respondent no. 2 in Case No. 1632/22 (Computer Case No. C202202000001632) *Satya Prakash Upadhyay v. State of U.P.*, and order dated 14.03.2012 passed by respondent no. 3 in Case No. 4/1/1 (*State v. Satya Prakash Upadhyay*).

3. The learned counsel for the petitioner prays that he was holder of a Gun Licence No.134/92 (SBBL) No. 29702. He further submits that he was arrested on 19.04.2010 in an offence under Section 302 of IPC. The first impugned order, rejecting his licence, was passed on 16.03.2023. Since he was in jail, he could not pursue the matter. After coming out of jail on 27.04.2022, he moved a recall application on 23.11.2022 before the respondent no. 2. The respondent no. 2 vide its impugned order dated 16.03.2023 rejected the recall application on the ground that the same was filed after a period of nine years. While doing so, the respondent no. 2 did not appreciate the fact that he was in jail and he could not pursue the matter. Learned counsel for the petitioner further submits that, in two cases, he had already been acquitted.

4. In view of the aforesaid facts and circumstances, the respondent no. 2 is directed to reconsider the recall application dated 16.03.2023 purely on merits keeping in mind the criminal background of the petitioner and also his four criminal cases which were levelled against him.

5. With the above direction, the instant writ petition is **disposed of**.

Order Date :- 13.10.2023

Rama Kant