

Court No. - 90

Case :- APPLICATION U/S 482 No. - 22626 of 2023

Applicant :- Manoj Kumar And 7 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Aashish Kumar, Manoj Kumar Verma

Counsel for Opposite Party :- G.A., Bhanu Pratap Singh, Surendra Sharma

Hon'ble Dinesh Pathak, J.

1. Heard Sri Manoj Kumar Verma learned counsel for the applicants, Sri Bhanu Pratap Singh learned counsel for the opposite party no.2 as well as learned AGA and perused the record.

2. The present applicants have invoked the inherent power of this Court under Section 482 Cr.P.C. beseeching the quashing of summoning order dated 15.05.2023 passed by Third Additional District and Sessions Judge (Special Judge (Dacoity Affected Area), Kanpur Dehat as well as entire proceedings of Sessions Case No.232 of 2022 (Lakshmi Narayan Vs. Rajendra and others), under Sections 323, 395, 504, 506 I.P.C., Police Station Sajeti Kanpur Nagar, pending in the court of Third Additional District and Sessions Judge (Special Judge (Dacoity Affected Area), Kanpur Dehat.

3. It is submitted that the learned Magistrate, having considered the contents of the complaint and statement under Sections 200 and 202 Cr.P.C., has issued process against as many as twenty eight accused persons, vide order impugned dated 15.05.2023. However, out of them twenty persons have filed separate application U/S 482 Cr.P.C. No.26149 of 2023, wherein direction was issued to decide the appropriate application filed on their behalf within a period of two months and, further, till 20.10.2023, protection was given to the applicants therein, not to take any coercive action against them.

4. The instant application has been filed on behalf of remaining eight accused persons assailing the summoning order. After due deliberation at length, learned counsel for the applicants has urged that he do not want to assail the order impugned on merits, however, some protection may be given to the present applicants to appear before the court below and participate in the criminal

proceedings.

5. In this conspectus, as above, no useful purpose would be served to keep the instant application pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction granting liberty to the present applicants to appear/surrender before the concerned court below and move bail application within a period of three weeks from today which shall be considered and decided by the learned trial court within a period of two weeks , there after.

6. For forty (40) days or till the decision of the bail application, whichever is earlier, no coercive action shall be taken against the present applicants in pursuance of the order impugned dated 15.05.2023.

7. With the aforesaid direction, present application is disposed of.

Order Date :- 13.10.2023

Jitendra