

Court No. - 88

Case :- APPLICATION U/S 482 No. - 24338 of 2023

Applicant :- Ramesh Dut Pandey@ Ramesh Dutt And 7 Others

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

Counsel for Applicant :- Krishna Murari Tripathi, Hari Nath Tripathi

Counsel for Opposite Party :- G.A., Mithilesh Kumar Tiwari

Hon'ble Sanjay Kumar Singh, J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the cognizance/summoning order dated 16.11.2021 and proceedings of Case No.7709 of 2021 (State vs. Chandra Shekhar Pandey and others) arising out of Case Crime No.751 of 2018, under Sections 419, 420, 467, 468, 120-B, 409 I.P.C., Police Station Kotwali, District Maharajganj pending in the court of Chief Judicial Magistrate, Maharajganj.

3. On 25.07.2023, the following order was passed by this Court:-

"Heard Mr. H.N. Tripathi, learned counsel, assisted by Mr. K.M. Tripathi, learned counsel for the applicants, learned A.G.A. representing the State and Mr. M.K. Tiwari, learned counsel for opposite party no. 2.

The dispute in this case is with regard to non-approval of teachers of the institution.

Mr. H.N. Tripathi, learned counsel for the applicants submits that this Court in Writ-A No. 4613 of 2000 considering all aspects of the case remitted the matter back to Deputy Director of Education (Sanskrit), U.P., Allahabad to take fresh decision in the matter but the authority has rejected the representation of the applicants. Thereafter, Writ-C No. 15171 of 2019 has been preferred, which has been dismissed vide order dated 09.07.2019 on the ground of laches and against the said order, Special Appeal No. 892 of 2019 has been preferred, in which, counter affidavit has been called and the matter is still pending.

At the request of learned counsel for the parties, this Court feels that it would be appropriate to hear this application after disposal of interim stay application of the applicants in abovementioned Special Appeal.

List this case on 16.08.2023."

4. Today on the matter being taken up, at the outset learned counsel for the applicants gave up his challenge to the aforesaid cognizance/summoning order and criminal proceedings against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicants expeditiously.

5. Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

6. In view of the above, the relief as sought by the applicants in the instant application is refused.

7. However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within two weeks from today and in case they apply for bail, the bail application of the applicants shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of ***Satender Kumar Antil vs Central Bureau of Investigation and another***, reported in ***2021 SCC Online SC 922***.

8. For the period of two weeks from today or till the time of surrender of the applicants before the concerned court below, whichever is earlier, they shall not be arrested in the above case.

9. With the above observations and directions, this application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 26.10.2023

Zafar