

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 7415 of 2023

Petitioner :- Usman

Respondent :- Smt. Shama

Counsel for Petitioner :- Chandrajeet

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Chandrajeet, learned counsel for the petitioner.
2. This petition under Article 227 of the Constitution has been filed with the prayer that the order dated 07.02.2020 passed by the C.J.M., Baghpat, summoning the accused to face the trial for offence under sections 498A, 323, 506 IPC and 3/4 of Dowry Prohibition Act passed in complaint case no. 2665 of 2019 (Smt. Shama vs. Usman and Others) be set aside. Further prayer is that the order dated 22.12.2021 passed Additional Session Judge, Baghpat in criminal revision no. 82 of 2021 (Usman vs. State of U.P. and Another), by which the summoning order was affirmed, be also set aside.
3. After arguing for sometime, the petitioner seeks not to press the aforesaid reliefs claimed in the petition and further prays for directing the court to consider his bail application in the light of law laid down by the Supreme Court in *Satendra Kumar Antil vs. Central Bureau of Investigation and Another; (2021) 10 SCC 773*.
4. Learned AGA has no objection in case such a direction is given to the court concerned in the aforesaid criminal case.
5. In view of the nature of prayer made today, the requirement of notice to private respondent is dispensed with.
6. In view of the dropping of the reliefs claimed in the petition and nature of the prayer of the petitioner, it is provided that in case, the petitioner/applicant surrenders before the court concerned, **within a period of 15 days**, and moves an application for bail, the same shall be decided strictly in accordance with law.
7. Accordingly, this petition under Article 227 of the Constitution is ***disposed of***.

Order Date :- 1.11.2023

#Vikram/-