

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26945 of 2023

Applicant :- Chandrabhan

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Gurfan Ali

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge-sheet dated 07.07.2022, cognizance order dated 12.07.2022 and proceedings of Special Session Trial No. 1553 of 2022 (*State vs. Chandrabhan*) arising out of case crime no. 532 of 2022, under Sections 328, 376, 506 I.P.C., Section 3(2)(V) SC/ST Act and Section 67 I.T. Act, Police Station Vijay Nagar, District Ghaziabad pending in the court of Special Judge (SC/ST) Act, Ghaziabad.

3-After advancing some argument at length and putting certain query by the Court, learned counsel for the applicant submitted that since the applicant is already on bail in this case, therefore, he may be permitted to move a discharge application before the court concerned raising his objections. Learned counsel for the applicant also submits that moving a discharge application before the concerned trial Court is a legal / statutory right of the accused, therefore he is not pressing any further relief as claimed by applicant by means of this application at this stage.

4-Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to move discharge application, he has no objection.

5-Accordingly the relief as sought by the applicant in

the instant application is refused.

6-However considering the above alternative prayer of the applicant, it is directed that in case the discharge application is moved by the applicant before the court concerned at the appropriate stage, the same shall be decided by the court concerned by speaking order in accordance with law.

7-With the aforesaid observations and direction, the application is disposed of.

Order Date :- 17.11.2023

Saurabh