

Court No. - 88

Case :- APPLICATION U/S 482 No. - 28402 of 2023

Applicant :- Beenu Singh And 4 Others

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

Counsel for Applicant :- Saurabh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

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

This application under Section 482 Cr.P.C. has been filed by the applicants against the summoning order dated 04.03.2023 passed by Special Judge (SC/ST Act), Kanpur Nagar in Sessions Case No. 209 of 2021 (Subhash Vs. Beenu Singh and others) under Sections 504, 506, 436, 452, 386 IPC read with Section 3(1)(d), 3(1)(e) and 3(2)5a of SC/ST Act.

In short compass, the facts giving rise to the present application are that in the incident dated 30.03.2020, applicant no. 5/Rahul Singh received injury. With regard to said incident, Suman Singh (mother of applicant no. 5) lodged the first information report on 05.06.2021 under Sections 324, 323, 504 IPC against opposite party no. 2 and three others, in which after culmination of investigation, charge-sheet has been submitted against them on 21.06.2021, on which the Magistrate concerned took cognizance and summoned them including opposite party no. 2 and they, after obtaining bail, are facing trial. The instant case against the applicants emerges from an application under Section 156(3) Cr.P.C. dated 07.08.2020 filed by opposite party no. 2 against the applicants, which was treated as complaint by the Magistrate concerned and after recording the statements under Section 200 and 202 Cr.P.C., the applicants have been summoned vide order dated 04.03.2023 to face trial, which is the subject matter of challenge in the present application.

Learned counsel for the applicants after advancing his arguments at some length and putting certain

query by the Court as to whether defence of the accused-applicant can be taken into consideration at this stage, gave up his challenge to the aforesaid impugned summoning order dated 04.03.2023 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.

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 want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

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

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 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, 2021 SCC Online SC 922.

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.

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

Order Date :- 13.10.2023
Shubham