

Court No. - 87

Case :- APPLICATION U/S 482 No. - 34782 of 2023

Applicant :- Ram Nawaj Yadav

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

Counsel for Applicant :- Pankaj Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Supplementary affidavit filed today be taken on record.
2. Heard learned counsel for the applicant and learned AGA for the State-opposite party.
3. Learned AGA has raised preliminary objection and submitted that Section 16(2) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986 provides that District Magistrate may make reference and in the present case, District Magistrate vide order dated 6.7.2023 referred the matter alongwith original record to Special Judge, U.P. Gangsters and Anti Social Activities (Prevention) Act, therefore, this application is not maintainable and liable to be dismissed.
3. Learned counsel for the applicant could not dispute the aforesaid facts and submitted that he may be permitted to withdraw the application with liberty to applicant to appear before the trial Court.
4. Accordingly, the application is **dismissed**.
5. So far as appearance of applicant before the trial Court is concerned, no permission is required from this Court as it is always open for the applicant to appear before the trial Court in accordance with law.

Order Date :- 7.11.2023

Junaid