

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32091 of 2023

Applicant :- Smt. Fool Shri

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Surendra Prasad Mishra, Manish Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P. and perused the record.
2. This application under Section 482 Cr.P.C. has been filed by the applicant, who is informant of the case against the order dated 07.07.2023 passed by Additional Sessions Judge, Court No.1, Firozabad in S. T. No.1076 of 2022 (State vs. Pradeep Kumar and others), arising out of Case Crime No.210 of 2021, under Sections 147, 148, 302, 323, 325, 506 IPC, Police Station Eka, District Firozabad, whereby the application under Section 319 Cr.P.C. for summoning opposite party nos.2 and 3 has been rejected.
3. At the very outset, learned A.G.A. for the State has raised a preliminary objection to the maintainability of the present application by contending that in the light of the judgment of the Supreme Court in the case of ***Mohit alias Sonu and Another Vs. State of U.P. and Another, (2013) 7 SCC 789***, the instant application under Section 482 is not maintainable against the summoning order under Section 319 Cr.P.C.
4. In view of the above, learned counsel for the applicant submits that he does not want to press this application, therefore, the same may be dismissed as withdrawn with liberty to file criminal revision against the impugned order dated 07.07.2023.
5. Accordingly, the application under Section 482 Cr.P.C. is **dismissed** as withdrawn with liberty as prayed for.
6. Office is directed to return the certified documents to the applicant within a week after retaining the xerox copy on record.

Order Date :- 26.10.2023

Zafar