

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31307 of 2023

Applicant :- Devendra Kumar

Opposite Party :- State Of U.P. Though It Principal Secretary
(Home) And Another

Counsel for Applicant :- Atul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

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

This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge sheet dated 24.07.2020 submitted by Investigation Officer and cognizance taken by learned Chief Judicial Magistrate, Muzaffar Nagar on 13.10.2020 and entire further proceeding of the Case No. 10304/9 of 2020 (State of U.P. Vs. Devendra Kumar) arising out of case crime no. 146 of 2020, under Sections 420, 406, 504, 506 I.P.C., Police Station New Mandi, District Muazaffar Nagar, pending in the court of Additional Chief Judicial Magistrate, Court no. 1, Muzaffar Nagar.

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 anticipatory bail in this case, therefore, he may be permitted to move a discharge application before the court concerned raising his objection. 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.

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 want to move discharge application, he has no objection.

Accordingly the relief as sought by the applicant in the instant application is refused.

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.

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

Order Date :- 17.10.2023

S.A.