

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32497 of 2023

Applicant :- Rahul Kharwar

Opposite Party :- State Of U.P. .And Another

Counsel for Applicant :- Achyut Jee

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate representing the State of U.P./opposite party no.1 and perused the materials available on record.

2-By means of this application under sections 482 of the Code of Criminal Procedure, the applicant has invoked the inherent jurisdiction of this Court for quashing of the charge sheet dated 16.05.2023, cognizance/summoning order dated 29.05.2023 and proceedings of Session Case No. 500 of 2023 (State Vs. Rahul Kharwar and others) arising out of Case Crime No. 107 of 2023, under Sections 323, 504, 506, 307, 325 I.P.C., Police Station-Sikandarpur, District-Ballia, pending in the court of Additional Session Judge/Special Judge (S.C./S.T. Act), Ballia.

3-After advancing some argument at length, 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 objection. Learned counsel for the applicant also submitted that he is not pressing any further relief as claimed by applicant by means of this application.

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-In view of the above, considering the request 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 observation, the application is ***disposed of.***

Order Date :- 2.11.2023

Kashifa