

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33696 of 2023

Applicant :- Krishan Pal Singh Bisht

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

Counsel for Applicant :- Ajay Kumar Sharma

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 to quash the summoning order dated 04.05.2023 passed by the trial Court in exercise of powers under Section 319 Cr.P.C. whereby the applicant has been summoned as an additional accused to face trial and proceedings of Complaint Case No. 138 of 2022 (Sefar Beg Vs. Gaur Homes Residents Welfare Association), under Section 138 Negotiable Instruments Act pending in the court of Additional Civil Judge (Senior Division) III, Ghaziabad.

3. At the 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 Cr.P.C. is not maintainable against the summoning order under Section 319 Cr.P.C.

4. In response, 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for the applicant submits that he does not want to press this application, therefore, the same may be dismissed as withdrawn with liberty to file criminal revision against the impugned summoning order dated 04.05.2023.

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 Accordingly, the application under Section 482 Cr.P.C. is dismissed as withdrawn with liberty as prayed for.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 certified copy of the documents, if any, after retaining the xerox copy of the same to learned counsel for the applicant.

Order Date :- 9.11.2023

Shubham