

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33107 of 2023

Applicant :- Ram Bihari And 2 Others

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

Counsel for Applicant :- Manoj Kumar, Saurabh Raj

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge sheet dated 04.10.2012, cognizance/summoning order dated 17.11.2012 passed by Additional Chief Judicial Magistrate, Court No.9, Allahabad and proceedings of Criminal Case No. 1301 of 2012 (State Versus Om Prakash and others) arising out of Case Crime No. 324 of 2012, under Sections 141, 143, 147, 342, 336, 332, 353, 504, 188 I.P.C. and Section 7 of Criminal Law (Amendment) Act, Police Station Meja, District Allahabad, pending in the court of Additional Chief Judicial Magistrate, Court No.10, Allahabad.

3-It is submitted by the learned counsel for the applicants that due to lack of knowledge applicants could not appear before the Court below. Impugned summoning order has been wrongly and illegally issued by the concerned Court below against the applicant.

4-On the other hand learned Additional Government Advocate contended that in this case charge sheet has been submitted on 04.10.2012 against the applicants. Thereafter Magistrate concerned took cognizance and summoned the applicants on 17.11.2012 and since then applicant is absconding. It is also pointed out the no specific averment is made in application with regard to non appearance of the applicants before the concerned court below.

5-Admittedly, record shows that applicants are playing hide and seek with the Court since 2012 i.e. for the last about eleven years and want this Court to come to his rescue by exercising its inherent jurisdiction. Having considered the submissions of learned counsel for the parties and looking into the conduct of the applicants in the lower court, I find no good ground to interfere with the order dated 17.11.2012 of lower court to summon the applicants. In view of the above, the relief claimed by the applicant is refused.

6-The application lacks merit and is accordingly ***dismissed.***

Order Date :- 16.11.2023

Kashifa