

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33463 of 2023

Applicant :- Bablu

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

Counsel for Applicant :- Mrityunjay Tiwari

Counsel for Opposite Party :- G.A., Nandini Pandey, Ved Prakash Mishra

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party no.1, learned counsel for the opposite party no.2 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 no. 123 of 2021 dated 05.11.2021, cognizance/summoning order dated 11.05.2022 and proceedings of Sessions Trial No. 1183 of 2022 (*State vs. Bablu*) arising out of case crime no. 02 of 2021, under Sections 452, 354, 504, 506 I.P.C. and Sections 9/10 POCSO Act, Police Station Nagfani, District Moradabad pending in the court of Special Judge, POCSO Act/Additional Sessions Judge, Court No. 3, Moradabad on the basis of compromise dated 26.02.2021.

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 bail in this case, therefore, he may be permitted to move a discharge application before the court concerned raising his objections. 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 wants 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 :- 8.11.2023

Saurabh