

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34308 of 2023

Applicant :- Inayat Hussain @ Babar

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

Counsel for Applicant :- Yogesh Kumar Srivastava, Sabhajeet Yadav

Counsel for Opposite Party :- G.A., Manu Khare

Hon'ble Sanjay Kumar Singh, J.

1-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash order dated 28.08.2023 passed by Additional Session Judge/F.T.C. I, Prayagraj and to stay the further proceedings of Session Trial No. 217 of 2019 (State Vs. Inayat Hussain @ Babar) arising out of Case Crime No. 57 of 2019, under Sections 376, 506 I.P.C., Police Station-Kareli, District-Prayagraj, pending in the court of Additional Session Judge/F.T.C. I, Prayagraj.

2-At the outset, learned A.G.A. for the State as well as Mr. Manu Khare, learned counsel for opposite party no.2 submit that vide order dated 07.08.2023 opportunity of cross examination of the applicant with PW-5 has been closed. Against the said order, recall application was moved by the applicant, which was also rejected vide order dated 28.08.2023. Though the applicant has challenged the order dated 28.08.2023 of the trial court, basic order dated 07.08.2023 has not been challenged.

3-In response, learned counsel for the applicant submits that on account of said defect in the application, the applicant does not want to press this application, therefore, he may be allowed to withdraw this application with liberty to file fresh application with better particulars.

4-In view of the statement made by learned counsel for the applicant at the Bar, the instant application is dismissed as withdrawn with aforesaid liberty as prayed for.

5-Office is directed to return the certified copy of the documents, if any, to the counsel for the applicant within three days after retaining photocopies of the same on record.

6-It is made clear that in case, the applicant moves another application, he will serve a prior notice of the same upon Mr. Manu Khare, learned counsel for opposite party no.2.

Order Date :- 7.11.2023

Kashifa