

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35883 of 2023

Applicant :- Rajesh @ Raju

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Vipin Chandra Pandey

Counsel for Opposite Party :- G.A.,Baleshwar Chaturvedi

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, Shri Paras Nath Rai, learned counsel for the Electricity Department/ opposite party no.3, learned Additional Government Advocate for the State/opposite party no.1 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 dated 08.06.2021, cognizance / summoning order dated 23.02.2022 and proceedings of Session Case no. 298 of 2022 (State of U.P. vs. Rajesh @ Raju) arising out of case crime no. 120 of 2019, under Section 135 Electricity Act, P.S. Anti Power Theft Agra, District Anti Power Theft (Agra) pending in the court of Additional Sessions Judge/ Special Judge (E.C. Act), Court No.4, Agra.

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, they 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 them on merits and want 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 :- 30.11.2023

Anurag/-