

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34471 of 2023

Applicant :- Daboo Shukla@ Abhishek Shukla

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

Counsel for Applicant :- Dharendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, 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 no. 245/2022 dated 08.12.2022, cognizance order dated 15.12.2022 and proceedings of Special Trial No. 62/2022 (*State vs. Rajnikant Shukla and others*) arising out of case crime no. 0004 of 2022, under Sections 2/3 of U.P. Gangster Act, Police Station Industrial Area, District Allahabad pending in the court of Special Judge, Gangster Act, Allahabad.

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 vide order dated 26.05.2022 of concerned court below, 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 :- 28.11.2023

Saurabh