

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14808 of 2023

Petitioner :- Amit Kumar @ Babbu

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Mohammad Yunus Khan

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Mohammad Yunus Khan, learned counsel for the petitioner and Shri G.P. Singh, learned A.G.A for the State respondents.

2. The relief sought in this petition is for quashing of the impugned show cause notice dated 31.08.2018 bearing No.552 (2), under Section 3/4 U.P. Control of Goondas Act, 1970, Police Station Kotwali, District Basti, passed by the Additional District Magistrate, District Basti.

3. Stamp Reporter has reported 1049 days delay in filing the present writ petition.

4. Learned AGA pointed that pursuant to impugned show cause notice dated 31.08.2018 the petitioner has already availed alternative remedy by submitting his reply on 09.05.2022, as such no interference is warranted in highly belated writ petition.

5. From perusal of records we find that no explanation whatsoever has been submitted by the petitioner for such huge delay in filing the present writ petition and that too after submitting his reply dated 09.05.2022 to the impugned show cause notice dated 31.08.2023, accordingly we are not inclined to entertain this highly belated writ petition.

6. The writ petition is accordingly dismissed on the ground of laches as well as on the ground of alternative remedy that has already been availed by the petitioner by submitting reply to the impugned show cause notice.

Order Date :- 26.10.2023

Nitendra