

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35348 of 2023

Applicant :- Chandan Kumar Mishra (Chandan Mishra)

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

Counsel for Applicant :- Akhilesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate representing the State of U.P./opposite party no.1 and perused the materials available on record.

2. By means of this application under section 482 of the Code of Criminal Procedure, the applicant has invoked the inherent jurisdiction of this Court for quashing of the summoning order dated 28.07.2023 as well as proceedings of Case No. 92452 of 2023 (State Vs. Chandan Mishra and others) arising out of Case Crime No. 34 of 2023, under Sections 323, 324, 506, 307, 354-B, 308 I.P.C., Police Station Kapsethi, District Varanasi, pending in the court of Additional Civil Judge (J.D.)/Judicial Magistrate, Court No.5, District Varanasi.

3. After advancing some argument at length, learned counsel for the applicant submitted that since the applicant has been granted bail by the coordinate Bench of this Court vide order dated 09.08.2023, therefore, he may be permitted to move a discharge application before the court concerned raising his objection. Learned counsel for the applicant also submitted that he is not pressing any further relief as claimed by applicant by means of this application.

4. 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.

5. Accordingly the relief as sought by the applicant in the instant application is refused.

6. In view of the above, considering the request 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.

7. With the aforesaid observation, the application is ***disposed of.***

Order Date :- 13.12.2023

Kashifa