

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16318 of 2023

Petitioner :- Nandlal

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Arvind Kumar Bhardwaj, Sandeep Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(1). Heard learned counsel for the petitioner and learned A.G.A. Perused the record.

(2). This is the informant's petition under Article 226 of the Constitution of India the prayer sought by the petitioner following prayers:

"(i) Issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 2 and 3 to carry out fair investigation and take appropriate action against the accused persons in Case Crime No. 0036 of 2018, under Sections 279, 338, & 427 IPC, Police Station Pawara, District Jaunpur.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 3 to immediate arrest the unknown accused persons in pursuance of F.I.R. dated 25.04.2018, being Case Crime No. 0036 of 2018, under Sections 279, 338, & 427 IPC, Police Station Pawara, District Jaunpur."

(3). Learned A.G.A. submits that on 31.07.2018 the charge-sheet has been submitted by the police. Since the charge-sheet has already been submitted the grievance of the learned counsel for the petitioner is that police has mellow down rigors of offence and submitted the charge-sheet under the less grievous section of IPC.

(4). Be it so, under the exercise of power under Article 226 of the Constitution of India the Court cannot monitor or direct the Investigating Officer to investigate, we only hope and trust that Investigating Officer of the case should act transparently unbiased way and professionally.

(5). Since the charge-sheet has already been submitted and thus we cannot pass any order in this case. However, it is open for the petitioner to move a proper application before the concern Magistrate for its institution.

(6). With this observation the writ petition is ***disposed of***.

Order Date :- 16.10.2023

Vikram