

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36726 of 2023

Applicant :- Shahid @ Lafda

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

Counsel for Applicant :- Rashtrapati Khare, Gaurav Khare

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Rashtrapati Khare, learned counsel for the applicant and Sri Arvind Kumar, learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the order dated 11.08.2023 passed by Additional District & Sessions Judge, Court No.6/Special Judge Prevention of Corruption, Bareilly as well as entire proceedings of Sessions Trial No.99 of 2020 (State Vs. Shahid @ Lafda and another), under Sections-307, 406, 504, 506 IPC, Police Station-Cant, District-Bareilly.
3. Contention of learned counsel for the applicant is that an FIR dated 18.06.2019 was lodged against the applicant in case crime no.199 of 2019 u/s 307, 406, 504, 506 IPC. After investigation of the case, police has also submitted chargesheet on 16.08.2019. Learned Magistrate also committed the case to Sessions court thereafter. In the aforesaid FIR, allegation was made against the applicant that he caused firearm injury to injured Rahis Miya. Subsequently, injured Rahis Miya had died during treatment on 13.10.2019 because of injury and infection which developed subsequently. Thereafter, prosecution submitted an application for remand of the applicant u/s 302 IPC. Against that remand application,

learned counsel for the applicant has also filed objection that once the case has been committed to sessions trial, remand u/s 302 IPC cannot be granted because there is no direct nexus between the injury caused by him with the death of the deceased.

4. After hearing the argument and from perusal of record, this Court finds that the impugned order dated 11.08.2023 was passed on the ground that u/s 173(8) Cr.P.C. even after completion of investigation, police can submit further report and on the basis of that further report, section can be added on the basis of material available on record.

5. So far as contention of learned counsel for the applicant is concerned that Section-302 IPC has been incorrectly added because the victim has died because of his negligence in treatment. The applicant has remedy to make such submission at the time of framing of charge. Therefore, I do not find any illegality in the impugned order dated 11.08.2023.

6. In view of the above, the present application is **rejected**.

Order Date :- 12.10.2023
S.Chaurasia