

Court No. - 89

Case :- APPLICATION U/S 482 No. - 36451 of 2023

Applicant :- Hiru Dubey @ Dharmendra Dwivedi And 11 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Vidya Kant Rai

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to consider and decide the application dated 18.02.2023 of the applicants in S.T. No. 1263 of 2020 (State Vs. Shyamu Bajpai and others) arising out of Case Crime No. 192 of 2020, under Sections 147, 148, 149, 302, 307, 504, 506, 353, 332, 335, 396, 412, 120B, 34 of I.P.C. and 7 Criminal Law Amendment Act and 3/4 Explosive Act, P.S. Chaubepur, District-Kanpur expeditiously within the stipulated period as may be fixed by this Hon'ble Court and to stay further proceedings of S.T. No. 1263 of 2020 (State Vs. Shyamu Bajpai and others) arising out of Case Crime No. 192 of 2020, under Sections 147, 148, 149, 302, 307, 504, 506, 353, 332, 335, 396, 412, 120B, 34 of I.P.C. and 7 Criminal Law Amendment Act and 3/4 Explosive Act, P.S. Chaubepur, District-Kanpur Nagar during pendency of the aforesaid criminal misc. application.

3. Counsel for the applicants submits that the applicants have filed Application U/S 482 No. - 25274 of 2023 (Hiru Dubey @ Dharmendra Dwivedi And 11 Others Vs. State of U.P.) with the prayer to quash the impugned order dated 13.02.2023 passed by Additional Sessions Judge-III/Special Judge D.A.A. Kanpur Dehat in S.T. No. 1263 of 2020 and the submission of the applicants' counsel was that the court below without making compliance of the provisions provided under Section 207 Cr.P.C. has framed charge against the applicants. It was also averred before the Court that applicants were not provided documents of charge sheet and other relevant evidence. This Hon'ble Court by order dated 28.07.2023 disposed of the Section 482 Cr.P.C. application of the applicants with observations that trial court is directed to ensure whether in the light of the contention raised by the counsel for the applicants the compliance of provisions of Section 207 Cr.P.C. has

been made and to that effect he is required to record his satisfaction. If the provisions of Section 207 Cr.P.C. are not complied with and the accused have not been furnished with the copies or necessary papers, they should be furnished with the necessary copies in compliance of the Section 207 Cr.P.C. Counsel for the applicants next submitted that he has filed this Application under Section 482 Cr.P.C. that order passed by this Court dated 28.07.2023 has not been complied by the trial court and a direction be issued to the trial court to comply the order.

4. This Court considered the argument raised by counsel for the applicants and perused the record.

5. The prayer of the applicants to issue direction to trial court to decide application dated 18.02.2023 in pursuance of order dated 28.07.2023 in accordance with law. The prayer of the applicants cannot be entertained as this Court is not executing Court and no direction can be issued to decide the application which was moved before order passed by this Hon'ble Court.

6. With the above observation, this 482 Cr.P.C. application is devoid of merit and is, accordingly, dismissed.

Order Date :- 7.11.2023

Sunil Kr. Gupta