

Court No. - 82

Case :- CRIMINAL APPEAL No. - 9894 of 2023

Appellant :- Shivam Pandey

Respondent :- State of U.P. and Another

Counsel for Appellant :- Sanjay Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Ms. Nand Prabha Shukla,J.

Heard learned counsel for the appellant and learned A.G.A for the State.

This criminal appeal has been preferred under Section 14-A (1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') for quashing of the entire proceedings, including charge-sheet dated 31.5.2023 and summoning order dated 30.8.2023, passed by the Special Judge, (SC/ST) Act, Mirzapur in S.S.T No. 800 of 2023 (State Vs. Shivam Pandey) arising out of Case Crime No. 49 of 2023, under Sections 323, 504, 506, 308 IPC & Section 3(1)(Da) (Dha), 3(2) (va) of SC/ST Act, Police Station-Padri, District Mirzapur.

Learned counsel for appellants submits that he is not pressing the appeal on merits and the present appeal may be disposed of finally with the direction to the court below that in case appellant surrenders before the court below and applies for bail, his bail application may be considered and decided expeditiously in accordance with law, including the law laid down in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, 2022 SCC OnLine SC 825.**

Learned A.G.A. has opposed the appeal.

In view of the aforesaid, the instant criminal appeal is finally disposed of with direction to the court below that in case the appellant surrenders before the court below within a period of three weeks from today and applies for bail, his bail application shall be considered and decided expeditiously in accordance with settled law.

The instant appeal is disposed of accordingly.

Order Date :- 4.12.2023

Puspendra