

Court No. - 86

Case :- APPLICATION U/S 482 No. - 36582 of 2023

Applicant :- Sushil Kumar And 3 Others

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

Counsel for Applicant :- Rahul Sahai

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.
2. By means of this application under Section 482 CrPC, the applicants have challenged the order dated 12.07.2021 passed by Additional Sessions Judge/ Special Judge (Drugs and Cosmetic Act), Pilibhit in Complaint Case No. 361 of 2021 (State of Uttar Pradesh Vs. Shantanu Kanchan and Others), under Sections 18(a)(i), 17-A(f), punishable under Sections 27(a), 27(d) of Drugs and Cosmetics Act, Police Station Pilibhit, District Pilibhit, as well as bailable warrant dated 15.07.2022.
3. At the very outset, learned AGA has pointed out that against the impugned summoning order dated 12.07.2021, an Application U/s 482 No. 32363 of 2022 (Shantanu Kanchan Vs. State of U.P. and Another) was also filed by co-accused Shantanu Kanchan before this Court and the said application has already been dismissed by co-ordinate Bench of this Court on the ground of laches vide order dated 11.10.2022.
4. Learned AGA has further submitted that even the instant application under Section 482 CrPC has been filed by the applicant after further delay of more than one year from the date of dismissal of Application U/s 482 No. 32363 of 2022 (Shantanu Kanchan Vs. State of U.P. and Another).
5. In view of the above and in the light of the order dated 11.10.2022 passed by co-ordinate Bench of this Court in Application U/s 482 No. 32363 of 2022 (Shantanu Kanchan Vs. State of U.P. and Another), I am not inclined to exercise my jurisdiction under Section 482 CrPC to quash the entire proceedings of Complaint Case No. 361 of 2021 (State of Uttar Pradesh Vs. Shantanu Kanchan and Others), under Sections 18(a)(i), 17-A(f), punishable under Sections 27(a),

27(d) of Drugs and Cosmetics Act, Police Station Pilibhit,
District Pilibhit.

6. Resultantly, the present application under Section 482
CrPC fails and is liable to be dismissed. It is accordingly
dismissed.

Order Date :- 1.11.2023

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