

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38085 of 2023

Applicant :- Laxman Singh

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

Counsel for Applicant :- Balbeer Singh, Abhishek

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant, learned AGA on behalf of the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash the impugned Charge-sheet No.90 of 2022 dated 04.05.2022, cognizance/summoning order dated 02.07.2022 as well as entire proceedings of Criminal Case No.18218 of 2023 arising out of Case Crime No.134 of 2022 (State vs. Laxman Singh & others), under sections 308, 323, 324 & 506 I.P.C., Police Station- Acchenera, District-Agra, pending before the court of Additional Civil Judge (Junior Division), Court No.4, Agra.
3. Learned counsel for the applicant submits that NCR was registered and thereafter on medical report police submitted charge-sheet under sections 323, 504, 324 & 308 I.P.C. and on report of Investigating Officer, learned magistrate has taken cognizance under sections 323, 504, 324 and 308 I.P.C. by order dated 02.07.2022. Thereafter, Investigating Officer by supplementary charge-sheet has submitted supplementary fresh report under sections 323, 504, 324 I.P.C. and found that offence under section 308 I.P.C. is not made out. Thereafter, applicant moved application before the Civil Judge (Junior Division) that after considering supplementary case diary filed by Investigating Officer, take cognizance. Learned counsel for the applicant submits that application in this regard is pending before the Civil Judge.
4. Learned AGA vehemently opposed the submission of learned counsel for the applicant.
5. Considered the argument of both the parties. Cognizance order dated 02.07.2022 is set aside with the direction that learned magistrate after considering supplementary case diary report submitted by the Investigating Officer pass fresh order after

applying his judicial mind preferably within a period of one month from the date of production of a certified copy of this order, if there is no other legal impediment.

6. The Application u/s 482 Cr.P.C. is **allowed**.

Order Date :- 13.10.2023

SKD