

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 38509 of 2023

**Applicant :-** Vijay Kumar Nayak

**Opposite Party :-** Pramod Kumar Nayak And 2 Others

**Counsel for Applicant :-** Suresh Singh, Ritesh Singh

**Counsel for Opposite Party :-** G.A., Sanjay Tiwari

**Hon'ble Anish Kumar Gupta, J.**

1. Heard Sri Suresh Singh, learned counsel for the applicant and Sri Prashant Saxena, the learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed challenging the order dated 30.08.2023 passed by the Chief Judicial Magistrate, Gorakhpur in Misc. Case No. 2919 of 2022 (Vijay Nayak vs. Pramod Nayak and others) under Section 156(3) Cr.P.C., P.S. Chauri Chaura, District Gorakhpur whereby the application under Section 156(3) Cr.P.C. filed by the applicant herein with regard to the offences committed by the opposite parties no.1 and 2 in the proceedings of Suit No. 146 of 2017 (Vijay Kumar Nayak vs. Awadhesh Kumar, pending in the court of Nayab Tehsildar, Gorakhpur.

3. Vide impugned order dated 30.08.2023, the said application has been rejected in view of the provisions under Section 195 Cr.P.C., which prohibits any court to take cognizance by any other court except the court for the offences as alleged in the application under Section 156 (3) Cr.P.C., the proper procedure is provided under Section 340 Cr.P.C.

4. The applicant is required to approach the concerned court where the offence is alleged to have been committed by the opposite parties no. 1 and 2. Therefore, in view of Section 195 Cr.P.C. and Section 340 Cr.P.C., the instant application is devoid of merit and is hereby **dismissed**.

**Order Date :-** 28.10.2023

Ashish Pd.