

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36996 of 2023

Applicant :- Budh Priya Maurya @ Virendra Kumar

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

Counsel for Applicant :- Javed Habib

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

Heard Sri Javed Habib, learned counsel for the applicant and Sri Sheetla Prasad, learned State Law Officer for the State.

The present application under Section 482 Cr.P.C. has been filed for quashing the order dated 24.2.2021 passed by Additional District & Sessions Judge, Court No.1, Aligarh in Criminal Revision No. 482 of 2019 (*Virendra Kumar @ Budh Priya Maurya & others vs. State of U.P. and others*) and order dated 19.9.2019 passed by A.C.J.M., Court No.1, Aligarh as well as the proceeding of Case No. 261 of 2019 (*State vs Wasim Khan & others*), Case Crime No. 25/2017, u/s 420, 467, 468, 471 I.P.C., P.S. Kotwali, Aligarh, pending before A.C.J.M.-I, Aligarh.

A preliminary objection has been raised by learned A.G.A. as per order of the Apex Court passed in the case of ***Radhey Shyam Vs. State of U.P. reported in (2015) 5 SCC 423***, wherein it is observed that all the judicial orders will be challenged under Article 227 of the Constitution of India.

This Court is of the view that Hon'ble Apex Court clearly observed in the aforesaid judgment that all the judicial orders will be challenged in the supervisory jurisdiction of the High Court under Article 227 of the Constitution of India, therefore, judicial orders should normally be challenged under Article 227 of the Constitution of India. However, Hon'ble Apex Court in the case of ***Prabhu Chawla Vs. State of Rajasthan and another, (2015) 17 SCC (562)*** observed that alternative remedy is not a bar to exercise jurisdiction u/s 482 Cr.P.C. in exceptional case. Therefore, in exceptional case application u/s 482 Cr.P.C. may be entertained against judicial order in the interest of justice.

In the present case, the applicant could not make out the case of exceptional nature, which could persuade this Court to exercise its inherent power under Section 482 Cr.P.C.

In view of the above legal position, applicant is permitted to file Petition under Article 227 of the Constitution of India for challenging the impugned judicial order(s).

With the aforesaid observation, the present application is **dismissed**.

Certified copy of the impugned order, if any, may be returned to learned counsel for the applicant after retaining xerox copy of the same.

Order Date :- 1.11.2023
Vandana