

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15761 of 2023

Petitioner :- Saurav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Rajendra Kumar Pandey, Smt. Kirti Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Rajendra Kumar Pandey, learned counsel for the petitioner and G.P. Singh, learned AGA for the State-respondents.
2. The present writ petition has been preferred with the prayer to quash the order dated 12.5.2023 passed by respondent No.2 in Case No.121 of 2023 (State vs. Saurav) under Section 2/3 of UP Control of Goondas Act, 1970.
3. A preliminary objection has been raised that the petitioner has effective alternative statutory remedy by way of filing an appeal under Section 6 of the UP Control of Goondas Act, 1970.
4. Learned counsel for the petitioner does not dispute the same.
5. Learned counsel for the petitioner submits that there may be objection regarding limitation and in that respect, some indulgence may be granted.
6. Accordingly, it is provided that in case, appeal is filed within 15 days from today, the same shall be considered by the appellate authority without raising any objection regarding the same on its own merit.
7. With the aforesaid observations, writ petition is **dismissed** on the ground of alternative remedy.

Order Date :- 27.10.2023

LN Tripathi