

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37235 of 2023

Applicant :- Kamlesh Jaiswal @ Monu Jaiswal And Anotehr

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Dhruv Mishra,Ashwaini Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material placed on record.

2. The present 482 Cr.P.C. application has been filed to quash the impugned order dated 17.08.2023 passed by Sub-Divisional Magistrate, Dudhi, District Sonbhadra, under Section 110 (g) Cr.P.C. in Case Crime No.24 of 2023, under Sections 186, 147, 352, 353, 441 and 427 IPC and Section 7 of Criminal Law Amendment Act, P.S. Pipri, District Sonbhadra.

3. Learned counsel for the applicant has submitted that notice issued under Section 110 (g) Cr.P.C. is illegal and without following the provisions provided under the Cr.P.C. and no show cause notice was issued prior to issuing the impugned notice. On account of one case, proceeding has been initiated which was falsely lodged against the applicant. Order passed on 17.08.2023 by opposite party No.2 is, therefore, illegal.

4. Learned A.G.A. has opposed the submission raised by counsel for the applicant.

5. In view of the aforesaid facts and circumstances of the case and keeping in view that substance of allegation made against the applicant has not been specifically stated making the notice vague and bogus, as such, the same is hereby quashed, however it shall be open to the authority concerned to issue fresh notice to the applicant, if necessary in accordance with law.

6. With the aforesaid direction, the present 482 application is allowed.

Order Date :- 30.11.2023/KU