

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37466 of 2023

Applicant :- Govind Singh

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

Counsel for Applicant :- Ram Krishna Yadav, Balbir Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State- opposite party and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash/ stay the impugned order dated 25.08.2023 passed in Session Trial No.09 of 2023 by ASJ-1, Jalaun by which discharge application filed by the applicant is dismissed and further prayer to stay the further proceedings of the aforesaid case has been made.

3. It is submitted by learned counsel for the applicant that it is no injury case under section 307 IPC but the Investigating Officer has submitted charge sheet in a perfunctory manner on which cognizance has been taken by the Magistrate in a mechanical manner. An application for discharge was moved by the applicant before the court concerned but the same has been decided without considering the fact that the injured has not sustained any injury, so offence under section 307 IPC is not made out. It is further submitted that the case is of malicious prosecution only in order to pressurize the applicant.

4. Per contra, learned A.G.A. opposed the prayer and submitted that the impugned order has been passed by the trial court after

considering all the facts and circumstances of the case. There is no illegality or impropriety in the impugned order.

5. In view of the submissions and contentions made by learned counsel for the parties as well as material available on record, it is apparent that the learned Additional Session Judge, Court No.1, Jalaun has heard and decided the application moved by the accused Govind Singh for discharge under section 227 Cr.P.C. after considering the entire material/ evidence collected by the I.O. during investigation and document submitted along with charge sheet. The learned Sessions Judge has considered all the aspects including offence under section 307 IPC and passed the order framing charge on materials available on record sufficient for framing the charge.

6. In any view of the matter, from the perusal of the record and the impugned proceedings, it is found that there is no such glaring abuse of court's process which may justify to invoke its inherent jurisdiction provided under section 482 Cr.P.C. to interference in the same. In view of above, as the matter has been discussed at length and decided by the court below, the prayer for quashing the impugned order is refused.

7. The present application under Section 482 is devoid of merit and is accordingly **dismissed**.

Order Date :- 3.11.2023
Shiv