

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16621 of 2023

Petitioner :- Vasudev Tiwari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Yogesh Kumar Saxena

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Yogesh Kumar Saxena, learned counsel for the petitioner, Sri Lakshmi Kant Trigunait, learned counsel who has put in appearance on behalf of the opposite party no. 4 & 5 and the learned A.G.A. and also perused the record.

By means of the present petition under Article 226 of the Constitution of India, the petitioner has sought following main prayer:

"A. Issue a writ, order or direction in the nature of Mandamus directing the respondent No.2 and 3 to arrest and to take action against the respondent No.4 and 5 in accordance with law in case crime No. 0023 of 2023 under sections 504,419,467,468,471 IPC;

B. Issue a writ, order or direction in the nature of Mandamus directing the respondents to provide security to the petitioner, so that he may run the institution properly.

C. Issue a writ, order or direction in the nature of Mandamus directing the respondents to take decision on the application of the petitioner dated 15.09.2023 in accordance with law."

In addition to this, learned counsel for the petitioner submits that the petitioner has lodged the present FIR dated 18.2.2023 naming Lalit Kumar Pandey, Ex Manager (opposite party no. 4) and Vinay Kumar, Assistant Teacher (opposite party no. 5) making allegation under sections 504, 419, 467, 468, 471 IPC. As such, all the offences are the cognizable, but opposite party nos. 4 & 5 are still at large.

Sri Lakshmi Kant Trigunait, learned counsel for the opposite party nos.4 & 5 has produced the order passed by the co-ordinate Bench of this Court vide order dated 26.9.2023 whereby it was provided that till the next date of listing, no coercive steps shall be taken

against the opposite party no. 5 (Vinay Kumar Singh) pursuant to Case Crime No. 23 of 2023, under sections 504, 419, 467, 468, 471 IPC, P.S. Derapur, District Kanpur.

Under the circumstances, it is directed that Vinay Kumar, Assistant Teacher (opposite party no. 5) should remain present before the concerned I.O. for the purpose of investigation. So far as Lalit Kumar Pandey, opposite party no. 4 is concerned, it has been pointed out that he has got long criminal history of 16 case, therefore, we are not at all inclined to grant any indulgence to him. Lalit Kumar Pandey, opposite party no. 4 is directed to surrender before the court concerned on or before 7.11.2023 and apply for regular bail. It is expected from the learned trial Judge to decide the bail application strictly as per the provisions of law as expeditiously as possible.

I.O. concerned is also directed to file a report under Section 173(2) Cr.P.C. latest by 31.12.2023.

It is also made clear that in case opposite party no. 4 fails to appear before the trial court on the aforesaid date, court would be free to take a stringent action against him as per the provisions of law.

With the above observation, the petition stands **disposed of**.

Order Date :- 31.10.2023

M. Tarik