

Court No. - 32

Case :- WRIT - C No. - 35327 of 2023

Petitioner :- Monir Ahmad

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Gyanendra Prakash Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Salil Kumar Rai,J.

Hon'ble Surendra Singh-I,J.

1. The present writ petition has been filed with the following reliefs:-

"a) Issue a writ order or direction in the nature of mandamus directing the respondent authorities to decide the representation of the petitioner dated 24.1.2023 and 17.4.2023 within stipulated time in accordance with law."

2. It appears from the record that Case No. 565 of 2023, Computerized Case No. D-202315510000815 under Section 107/116 Code of Criminal Procedure, 1973 was registered against the petitioner in which, notice dated 18th March, 2023 was issued to the petitioner. The petitioner has submitted his reply dated 17th April, 2023 before the concerned City Magistrate alongwith his representation.

3. The proceedings under Section 107/116 Cr.P.C. are judicial proceedings before the concerned Magistrate and no mandamus as prayed can be issued directing the City Magistrate to decide the representation of the petitioner. However, it is expected that before passing the order under Section 107/116/117 Cr.P.C., the City Magistrate concerned shall consider the reply submitted by the petitioner.

4. The writ petition is disposed of.

Order Date :- 12.10.2023

Akbar