

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39746 of 2023

Applicant :- Mohd. Mahmoor @ Mohd. Mehmood Siddiqui

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

Counsel for Applicant :- Mohd Haider

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Sri Mohd. Haidar, learned counsel for the applicant, states that the applicant has been falsely implicated in the impugned F.I.R., and no case is made out on perusal of the record and the material collected by the Investigating Officer. He further submits that no such incident has ever happened as alleged in the First Information Report, and the ingredients of Section 427, 323 and 506 are not made out. He further invited attention of the Court to a report of Lekhpal which pertains to Gata No. 376 and 377.

2. Per contra, learned A.G.A. states that offences are made out on the statement of complainant and supplementary statement of Sanjay Kumar recorded by Police. On perusal of the supplementary statement of Sanjay Kumar recorded by the Police, offences under Sections 427, 323 and 506 are made out and reference is also made to Gata No. 374.

3. On perusal of the record, it reflects that petitioner's case is with respect to Gata No. 376 and 377 whereas the prosecution case refers to Gata No. 374.

4. This Court cannot go into the disputed facts raised by both the parties in the instant proceeding, moreover the petitioner has failed to establish its case within the parameters of Section 482 Cr.P.C.

5. Thus, the petition is devoid of merits, and hence dismissed.

Order Date :- 24.11.2023

P.Sri.

(Vinod Diwakar, J.)