

Court No. - 4

Case :- APPLICATION U/S 482 No. - 38847 of 2023

Applicant :- Ravindra Yadav

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Niraj Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the records.
2. The present application under Section 482 Cr.P.C. has been filed with the prayer to quash the impugned Charge Sheet No.102 of 2008, dated 09.06.2008 as well as cognizance order dated 28.07.2008 passed by Additional Civil Judge (J.D.), Court No. 6, Allahabad, in Case No. 1209 of 2008 (State Versus Sandhya Singh and others) arising out of Case Crime No. 94 of 2008, under Sections 504, 506, 467 I.P.C., Police Station- Meja, District- Allahabad as well as the entire proceedings of the aforesaid case.
3. On the matter being taken up, learned counsel for the applicant has not pressed the relief as sought by means of this application on merit and prayed for issuance of appropriate direction to the concerned Courts below to decide the application for discharge of the applicant expeditiously.
4. Learned A.G.A. has no objection in allowing the aforesaid prayer of the applicant.
5. Heard learned counsel for the parties present and perused the record.
6. Considering the facts and circumstances of the case, the

applicant is permitted to appear before the concerned court within three weeks from today and move an application as per provisions contained under the Cr.P.C. claiming discharge. The concerned court shall after hearing the counsel decide the application on merits, in accordance with law, within a period which shall not exceed a period of two months from today.

7. Till 30 December, 2023 or till the disposal of the aforesaid application, whichever is earlier, no coercive action will be taken against the applicant.

8. If the concerned court after hearing the counsel for the accused feels persuaded to have the view that the accused ought not to have been summoned and the charge is groundless it shall not abstain from discharging the accused only on the ground that the material available at the time of summoning was the same which is available on record at the time of hearing the discharge application. On the other hand, if the lower court even after hearing the counsel for accused holds the view that the accused has been rightly summoned and the material brought on record does not indicate the charges to be groundless it shall make an order to that effect and proceed further in the matter, in accordance with law and shall also be free to adopt such measures to procure the attendance of the accused as the law permits.

9. With the above observations, this application stands disposed of.

Order Date :- 18.10.2023

Pramod Tripathi