

Court No. - 40

Case :- WRIT - C No. - 36958 of 2023

Petitioner :- Shobhnath Sharma

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

Counsel for Petitioner :- Rajesh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Ms. Shubhra Singh, learned Standing Counsel for the State-respondents.

2. The present writ petition has been preferred seeking inter alia following reliefs:-

"(A) Issue a writ, order or direction in the nature of mandamus commanding the respondent no.2/Sub Divisional Magistrate, Tehsil Kerakat, District-Jaunpur to comply the order dated 22.4.2022 passed in Case No.654 of 2022, Computerised Case No. T202214360500654 (Shobhnath Sharma vs. Lalta Yadav), under Section 145 Cr.P.C. and judgment and order dated 28.09.2022 passed by learned Sessions Judge, Jaunpur in Criminal Revision No.73/2022 (Lalta versus Shobhnath Sharma and others).

(B) Issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(C) Award cost of this writ petition to the petitioner."

3. Petitioner is aggrieved that inspite of the proceedings which were finalized under Section 145 Cr.P.C. upto the revision against respondent no.3 even though the concerned Sub Divisional Magistrate has not ensured the necessary compliance of the order.

4. Learned Standing Counsel did not dispute the aforesaid facts and fairly conceded that in case, the order passed under the proceedings initiated under Section 145 Cr.P.C. had not been complied with till date, the concerned authority would ensure its compliance at the earliest possible.

5. Considering the facts and circumstances, we are of the view that no useful purpose would be served by keeping this petition pending consideration, and hence, dispose of the writ petition directing Sub Divisional Magistrate, Tehsil Kerakat, District-Jaunpur, if there is no other legal impediment, he must ensure compliance of the order passed in the proceedings under Section 145 Cr.P.C.

Order Date :- 1.11.2023

Manish Himwan