

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17152 of 2023

Petitioner :- Shahjad

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

Counsel for Petitioner :- Dilnawaz Ahmad Khan, Amar Singh Yadav

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Amar Singh Yadav, learned counsel for the petitioner as well as Sri G.P. Singh, learned AGA appearing for the respondents and have perused the record.

2. Present petition has been filed challenging the impugned order dated 1.7.2023, passed by the respondent no. 3, Additional District Magistrate, Azamgarh as well as for quashing the entire proceeding of Case No. 3882 of 2022, Computerized Case No. D202215060003882 (State vs. Shahjad) under Section 3 (1) of UP Control of Goondas Act, P.S. Phulpur, District Azamgarh.

3. From perusal of the record, we find that against the impugned order herein as per paragraph 12 of the petition, the petitioner has already availed the statutory alternative remedy by way of filing an appeal (registered as Computer Case No. C202315000000908) under Section 6 of the UP Control of Goondas Act.

4. Therefore, we do not find any good ground to interfere in the order impugned herein.

5. However, in the facts and circumstances of this case, present petition stands disposed of with a direction to the respondent no. 2-Commissioner, Azamgarh Region, Azamgarh to hear and decide the said appeal of the petitioner, in accordance with law by reasoned and speaking order, as expeditiously as possible, preferably within a period of two months from the date of filing of a certified copy of this order before the respondent no. 2.

Order Date :- 22.11.2023

Abhishek