

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16933 of 2023

Petitioner :- Rambha Devi

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

Counsel for Petitioner :- Vivek Mishra,Akash Kumar Nishad

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri C.K. Parekh, learned counsel assisted by Sri Vivek Mishra, learned counsel for the petitioner and Sri Ratan Singh, learned AGA appearing for the State respondents.

2. Present petition has been filed for quashing the entire proceeding initiated by the District Magistrate, Deoria under Section 14 (1) of the UP Gangsters and Anti Social Activities (Prevention) Act, 1986 in respect to property of petitioner i.e. Account No. 00267, Gata No. 25, Area 0.060-41/100 hec. has been seized/attached by respondents on 7.10.2023.

3. From perusal of annexure 1 to the petition, it appears that attachment of the property in question has been done on 7.10.2023 pursuant to the order of the District Magistrate being Order No. 215 (I)Reader-2023 dated 29.9.2023 passed under Section 14 (1) of the UP Gangsters and Anti Social Activities (Prevention) Act, 1986, being Case No. 1569 of 2023. Present petition has been filed by the wife of gangster Ram Kripal without challenging the aforesaid order and in any case the petitioner would have statutory remedy by filing her objection under Section 15 (1) of the UP Gangsters and Anti Social Activities (Prevention) Act, 1986.

4. It is being claimed that copy of the order dated 29.9.2023 has not been served either on the petitioner or husband of the petitioner.

5. If that is so, the petitioner is liberty to apply for copy of the same, which shall be supplied in accordance with law so as to enable her to seek further statutory remedy, as may be available to her in law.

6. We have also noticed that the order of the district Magistrate under Section 14 (1) of the Act, 1986 is dated 29.9.2023 and attachment of the property was done on 7.10.2023, both are previous to the order of Hon'ble Apex Court dated 13.10.2023.

7. In such view of the matter, we are not inclined to entertain the present petition and the same is accordingly dismissed having been filed without challenging the aforesaid order and in any case in view of the availability of statutory remedy under Section 15 (1) of the UP Gangsters and Anti Social Activities (Prevention) Act, 1986.

Order Date :- 17.11.2023

Abhishek