

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39897 of 2023

Applicant :- Rampal Yadav And 2 Others

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

Counsel for Applicant :- Prabhat Kumar Srivastava, Ravindra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State of U.P./opposite party no. 1.

2. The instant application under Section 482 Cr.P.C. has been preferred by the applicants with prayer to connect the Complaint Case No. 93 of 2020 (Renu Yadav Vs. Abhishekh) with the State Case No. 1019 of 2022 (State Vs. Rampal Yadav), arising out of Case Crime No. 217 of 2021 under Section- 323, 504, 325 IPC, Police Station- Mariahu, District-Jaunpur, pending in the court of A.C.J.M.-I, Court No. 12, Jaunpur.

3. It is submitted by the learned counsel for the applicants that with regard to an incident dated 03.11.2019, non-cognizable report No. 0151 of 2019 was lodged by the opposite party No. 2-Renu Yadav against the applicants on 03.11.2019 under Sections- 323 and 504 IPC at Police Station- Mariahu, District- Jaunpur, in which, after granting permission by the Magistrate concerned under Section 155(2) Cr.P.C., FIR under Section 154 was registered on 03.09.2021 as Case Crime No. 0217 of 2021 under Sections- 323, 504, 325 IPC, Police Station-Mariahu, District- Jaunpur, in which, after culmination of the investigation, charge sheet has been submitted on 03.09.2021, on which, the concerned court below took cognizance and the matter is pending before the Court of A.C.J.M.-I, Court No. 12, Jaunpur. It is next submitted that with regard to same incident dated 03.11.2019, opposite party No. 2-Renu Yadav has also moved application under Section 156(3) Cr.P.C. dated 13.11.2019 against the applicants, which was treated as complaint and learned Magistrate after recording the statements under Sections 200 and 202 Cr.P.C., has summoned the applicants to face trial vide order dated 24.04.2023. It is also submitted that both the aforesaid cases are pending in the same court, therefore, in view of the provisions of Section 210 Cr.P.C., both the cases

should be connected and run together.

4. Learned A.G.A. for the State of U.P./opposite party no. 1 does not dispute the factual aspects of the matter as argued on behalf of the applicants.

5. Considering the facts of the case, the instant application is **disposed of** with direction to applicants to move appropriate application under Section 210 Cr.P.C. before the concerned court below within two weeks from today. In case any such application is moved, the same shall be decided by the concerned court below within a week thereafter in accordance with law.

Order Date :- 15.12.2023

ADY