

Court No. - 5

Case :- APPLICATION U/S 482 No. - 40180 of 2023

Applicant :- Shivram

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

Counsel for Applicant :- Jay Singh Yadav, Kapil Dev Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal, J.

Heard learned counsel for applicant, learned A.G.A. for State and perused the record.

This application under Section 482 Cr.P.C. has been filed for staying the cognizance order dated 30.09.2023 including the further proceeding of Case No.7096 of 2023 (State Vs. Shivram), arising out of Case Crime No.0414 of 2021, under Section 354 IPC, Police Station- Gadiya Rangin, District- Shahjanapur, pending in the Court of Additional Civil Judge (J.D.), Shahjanapur.

The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment.

Learned A.G.A. has opposed the submissions made by learned counsel for the applicant.

Under the Code of Criminal Procedure, the applicant has alternative remedy to get himself discharge before trial court.

Accordingly, it is not appropriate for this court to exercise extraordinary jurisdiction under Section 482 Cr.P.C.

In view of above, the prayer for staying cognizance order including the further proceedings of aforesaid case is hereby refused.

Accordingly, application u/s 482 Cr.P.C. is **disposed of**.

However, learned trial court is directed that if applicant submit s application under appropriate Section for discharge within thirty

days from today, the same shall be decided within thirty days from the date of presentation of application by speaking order.

For a period of two months or till the the disposal of discharge application, whichever is earlier, no coercive action shall be taken against the applicant in connection with Case No.7096 of 2023 (State Vs. Shivram), arising out of Case Crime No.0414 of 2021, under Section 354 IPC, Police Station- Gadiya Rangin, District- Shahjanzapur.

Order Date :- 1.11.2023

Pravesh Mishra