

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17285 of 2023

Petitioner :- Rajan Sahani

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bharti Kashyap, Sachin Kumar

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla, J.

Hon'ble Manish Kumar Nigam, J.

1. Heard Ms. Bharti Kashyap, learned counsel for the petitioner and Sri Ratan Singh, learned A.G.A. appearing for the State respondents.

2. Present petition has been filed for quashing the First Information Report dated 28.9.2023 registered as Case Crime No. 475 of 2023, under Section 3(1) of U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station Jhagaha, District Gorakhpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Submission of learned counsel for the petitioner is that simply on the basis of two criminal cases Gangster Act has been imposed against the petitioner which is clear violation of U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 and the U.P. Gangsters & Anti-Social Activities (Prevention) Rules, 2021 framed thereunder. It is next submitted that the petitioner was not named in the base first information report and he was arrested simply because the other co-accused taken his name. It is next submitted the petitioner has been granted bail in both the cases, therefore, there is no ground whatsoever for invoking the provisions the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 and the U.P. Gangsters & Anti-Social Activities (Prevention) Rules, 2021.

4. Per contra, learned A.G.A. submits that the petitioner has already been arrested and charge-sheet has also been submitted in the aforesaid cases and there is no violation of any provisions of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 and the U.P. Gangsters & Anti-Social Activities (Prevention) Rules, 2021.

5. On perusal of record we find that there is nothing on record to indicate that there is any violation of any provision of the Gangster Act and the Rules, 2021 framed thereunder and in preparation of gang chart. There is even no specific ground taken in the entire petition in this regard.

6. Present petition is misconceived and is accordingly dismissed.

Order Date :- 16.11.2023

Lalit Shukla