

Court No. - 80

Case :- APPLICATION U/S 482 No. - 40561 of 2023

Applicant :- Gopal Singh @ Jaydev Pratap Singh

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

Counsel for Applicant :- Shri Prakash Dwivedi, Gunjan Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The instant application under Section 482 Cr. P.C. has been filed by the applicants with the prayer to quash the order dated 20.10.2023 passed by Additional Sessions Judge, Court No.1, Mirzapur in Session Trial No.179 of 1986 (State Vs. Gopal Singh) arising out of Case Crime No.16 of 1986, under Sections 302, 201 I.P.C., Police Station Ghorawal, District Mirzapur.

3. Learned counsel for the applicant submits that without compliance of Section 207 Cr.P.C., the applicant is summoned for framing of charge. The applicant had also moved an application before the court for compliance of section 207 Cr.P.C. and provide the copy of the case diary to enable the applicant to argue the matter on charge. The same was dismissed in a mechanical manner without application of mind. He further states that the co-ordinate Bench of this Court has also allowed the Application U/S 482 No.41560 of 2023 tilted as Guddu Singh @ Pradyum Kumar Singh and another, and directed the trial court to comply with the mandates of section 207 Cr.P.C.

4. Learned A.G.A., however, opposed the prayer and submitted

that from the perusal of the impugned order, it is apparent that in the application moved by the applicants, there is no disclosure that the compliance of Section 207 Cr.P.C. has not been made.

5. In view of the above, the instant application is **disposed of** with a direction to the applicant to move a fresh application before the court concerned within a period of two weeks from today regarding compliance of Section 207 Cr.P.C., which shall be heard and decided by the court concerned in accordance with law.

Order Date :- 6.12.2023

Anil K. Sharma

[Vinod Diwakar, J.]