

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41463 of 2023

Applicant :- Lakshmi Narayan Sahu

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Devesh Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Devesh Kumar Gupta, learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the order dated 27.01.2023 passed by Addl. Sessions Judge, Court No.1, Fatehpur in Criminal Revision No.130 of 2017 and to quash the order dated 02.08.2017 passed by CJM, Fatehpur in Misc. Case No.790 of 2017, U/s 156(3) Cr.P.C., P.S. Ghazipur, District Fatehpur.
3. Counsel for the applicant submits that application under Section 156(3) Cr.P.C. of the applicant was rejected by trial court thereafter, revision filed by the applicant also rejected by the trial court. The order passed by trial court is abuse of process of Court.
4. *Per contra*, learned A.G.A. opposed the submission raised by applicant's counsel and submitted that the order passed by the trial court is just and proper and do not suffer from any illegality or infirmity and no interference is warranted, at this stage.
5. Considering the statement of applicant's counsel, learned AGA and perused the record, it is evident that the order passed by learned Additional Sessions Judge, Fatehpur is just and proper and do not contain any illegality. *Prima facie*, case is made out against the applicant, as such, no interference is warranted, at this stage. In view of judgement passed by full Bench in the case of **Father Thomas Vs. State of U.P. and others, 2010 SCC Online All 2438**, the present application is not maintainable.
6. The present 482 application is **dismissed** with the aforesaid observation.

Order Date :- 8.11.2023

Nitin Verma