

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42365 of 2023

Applicant :- Shaharyar Husain

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

Counsel for Applicant :- Krishna Kant Vishwakarma, Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Applicant- Shaharyar Husain is aggrieved against the impugned charge sheet dated 8.9.2018 as well as the order of cognizance dated 23.10.2018 and further proceedings of Criminal Case No.810 of 2018, State Versus Ravindra arising out of Case Crime No.156 of 2018, under Sections 379, 411 IPC and Sections 4/21 of Mining and Minerals Regulation, 1957, Police Station Kairana, District Shamli, pending in the court of Chief Judicial Magistrate, Shamli.

When confronted with the long delay in challenging the impugned charge- sheet and cognizance order dated 8th September, 2018 and 23.10.2018, respectively, learned counsel for the applicant submits that the filing of the final report was not within his knowledge and he came to learn about this only in March, 2021.

During the course of hearing, it is not disputed by the learned counsel that pursuant to the final report dated 23rd October, 2018, the charges are yet to be framed by the trial court. Therefore, considering the long delay in approaching this Court coupled with the availability of alternative remedy, as

the applicant can raise all these grounds before the court of competent jurisdiction at the stage of consideration of the final report, this Court is not inclined to exercise the inherent power u/s 482 Cr.P.C.

This application is dismissed.

Order Date :- 20.11.2023

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