

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42389 of 2023

Applicant :- Lilu@ Vijendra And 3 Others

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

Counsel for Applicant :- Dhirendra Kumar Agrahari

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants have filed this application under Section 482 Code of Criminal Procedure to challenge the Charge Sheet dated 29.1.2019 filed in Case Crime No. 494 of 2018, registered under Sections 452, 323, 325 I.P.C., Police Station B.B. Nagar, District Bulandshahr as well as the cognizance order dated 26.7.2021 passed by Judicial Magistrate-Ist, Bulandshahr.

Since, the impugned order of cognizance was passed on 26.7.2021, therefore, this Court is not inclined to accept the prayer for adjournment made by Sri Vishvajeet Tiwari, Advocate, holding brief of Sri Dhirendra Kumar Agrahari, learned counsel for applicants.

A perusal of the application reveals that after issuance of summons to the applicants on 26.7.2021, they have failed to appear before the trial court despite issuance of bailable warrants on 25.9.2023 and 25.10.2023.

Apart from the above, considering the nature of offences, which are against the human body, this Court is not inclined to exercise the inherent power under Section 482 Cr.P.C. as the final report submitted by the police is yet to be considered by the Magistrate, Bulandshahr. The issues raised in this application can be effectively raised by the applicants before the Magistrate as well at the time of framing charges, therefore, no case for interference is made out.

The application is accordingly, dismissed.

Order Date :- 20.11.2023

P.S.Parihar