

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18218 of 2023

Petitioner :- Shamim

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

Counsel for Petitioner :- Gorakh Nath Mourya

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

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

2. The writ petition seeks the following relief:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no.2 and 3 to decide the application/representation dated 20.10.2023 of the petitioner pending before them since 20.10.2023 expeditiously within stipulated period to be fixed by this Hon'ble Court."

3. The representation dated 20.10.2023 made by the petitioners-accused in Case Crime No. 119 of 2021, under Sections 147, 148, 149, 188, 323, 336, 307, 353, 332, 325 IPC and Section 7 of the Criminal Law Amendment Act, P.S. Mainather, District Moradabad, is for change of the Investigating Officer or the investigating agency, itself.

4. It is settled law that an accused has no right to choose the investigating agency nor is entitled to seek directions as to how the investigation is carried out against him.

4. This petition at the instance of an accused, therefore is not maintainable.

5. The petition, is accordingly, dismissed.

Order Date :- 23.11.2023

Mayank