

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42930 of 2023

Applicant :- Bharat Singh And 3 Others

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

Counsel for Applicant :- Somdev Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. Present 482 Cr.P.C. application has been filed set aside judgment and order dated 30.10.2023 passed in Criminal Case No. 2079 of 2019(State Vs. Bharat Singh & others), under Sections-308, 323, 324, 504 IPC, Police Station-Basai Mohammadpur, District-Firozabad and direct the learned Magistrate to commit the case to Session Court.
3. Learned counsel for the applicants submitted that earlier, he has filed Application U/s 482 Cr.P.C. No. 6979 of 2022 before this Court, which was disposed of by this Court vide order dated 25.11.2022 with liberty to file discharge application before the concerned court within one month and further ordered for no coercive action against the applicants for one month. He next submitted that pursuant to order dated 25.11.2022, applicant filed discharge application dated 5.12.2022, which was rejected vide order dated 30.10.2023 by Judicial Magistrate, Firozabad only on the ground that jurisdiction to decide the discharge application in the case lies with the Session Court.
4. Apart from taking many other grounds, he lastly submitted that he may be granted some further time in terms of order dated 25.11.2022 passe by this Court in Application U/s 482 Cr.P.C. No. 6979 of 2022 alongwith protection to file discharge application before the Session Court.
5. Taking into consideration the facts and circumstances of the case, it is provided that in case the applicants appear before the court concerned within one month from today and move application for discharge, the same shall be considered and disposed of by the court concerned in accordance with law after affording opportunity of hearing to the parties.

6. For a period of one month from, no coercive action shall be taken against the applicants.

7. It is made clear that in the event no such application is moved within the time prescribed above, this order will be of no avail to the applicants.

8. With the above direction, the instant application under Section 482 Cr.P.C. is finally **disposed of**.

Order Date :- 1.12.2023

ADY