

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18226 of 2023

Petitioner :- Raj Bahadur Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vikas Srivastava

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Petitioner has challenged notice issued under Section 3(1) of the U.P. Control of Goondas Act, 1970, dated 30.08.2023 on the ground that simultaneous proceedings, pursuant to the previous notice issued, on 08.10.2021, are pending.

Learned A.G.A. points out that proceedings of year 2021 apparently have been dropped and were in respect of other case as is clearly disclosed by the Station House Officer in his certificate, annexed at page-23 of the petition. One of the cases, in which the petitioner is now implicated, is of year 2023 and could not have been subject matter of previous proceedings of year 2021.

Be that as it may, we are of the view that the petitioner has remedy of approaching the authority concerned and file his reply to the notice dated 30.08.2023, raising all issues, which shall be examined by the concerned authority while taking a final decision, in accordance with law, in the matter.

Subject to the observations made above, this petition is consigned to records.

Order Date :- 1.12.2023

MN/-