

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44259 of 2023

Applicant :- Shashi @ Shashi Prabha

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Avanish Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant- Shashi @ Shashi Prabha being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the charge sheet bearing number 36 of 2021 dated 21.01.2021 as well as summoning order dated 27.01.2021 passed by Chief Judicial Magistrate, Aligarh in Case No.1283 of 2021 arising out of Case Crime No.679 of 2020, under Sections 498A, 304B, 323 I.P.C. read with 3/4 Dowry Prohibition Act, Police Station- Banna Devi, District Aligarh.

During the course of hearing, it is not disputed by learned counsel that the case of the prosecution is based upon the dying declaration of the victim and after committal of the case and considering the final report submitted under Section 173(2) Code of Criminal Procedure, charges against the applicant were framed on 16th August, 2021. Concededly, the order framing charges is not under challenge. Therefore, on the ground of delay coupled with the fact that the trial has commenced, this Court is not

inclined to exercise the inherent powers under
Section 482 Code of Criminal Procedure.

This application is dismissed.

Order Date :- 4.12.2023

Raj