

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44089 of 2023

Applicant :- Ashish Chandra Gupta

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Shobhanath Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of chargesheet no. 139 of 2020, dated 10.7.2020, as well as cognizance order dated 29.9.2020 and the entire proceedings of Sessions Trial No. 513 of 2020, titled State vs. Ashish Chandra Gupta, arising out of Case Crime No. 149 of 2020, under sections 363, 366, 376 I.P.C. and section 3/4 POCSO Act, P.S. Kanpur, district-Ghazipur.

During the course of hearing learned counsel for the applicant has argued that the applicant was falsely implicated in this case by the father of the victim and therefore, applicant has filed this petition under Section 482 Code of Criminal Procedure for quashing of the proceedings as the continuation of the same is meaningless because the victim is legally wedded wife of applicant and the couple are having two children. During course of hearing it is not disputed by learned counsel that in the subject case the charges against the applicant were framed on 6.2.2021 and the said order has not been challenged. He prays for withdrawal of this petition in order to challenge the order dated 6.2.2021 passed by Special Judge (POCSO)-01, Ghazipur for framing of charge against the applicant.

In view of the above, the application is dismissed as withdrawn.

Order Date :- 2.12.2023

Faridul