

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45764 of 2023

Applicant :- Bhola Nath Yadav

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

Counsel for Applicant :- Ram Pravesh

Yadav, Shashank Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Applicant-accused has challenged the charge sheet bearing no. 336 of 2021 dated 24.11.2021 in Case No. 9791 of 2023; titled State vs. Phoolmati Devi and others; arising out of Case Crime No. 236 of 2021, under Sections 419, 429, 467, 468, 471, 120B, 352, 406, 504 IPC, Police Station Kotwali, District Ballia.

Learned counsel for the applicant has referred to the order dated 19th May, 2022 and submitted that upon an application moved by the applicant-accused further investigation in the above case was ordered by the Magistrate, but without conducting any further investigation, the Court has passed the cognizance order. He submits that the proceedings initiated by the Magistrate are in violation of the order dated 19th May, 2022, therefore, the impugned charge sheet deserves to be quashed.

During the course of hearing, it is fairly stated by the learned counsel that final report submitted by the police under Section 173(2) Cr.P.C. is yet to be evaluated, as charge against the accused is yet to be framed.

Since the applicant can raise this sole ground before the Magistrate at the time of the consideration of the final report, therefore, this Court is not inclined to exercise inherent powers under Section 482 Cr.P.C.

Dismissed.

Order Date :- 15.12.2023

Brijesh