

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 2236 of 2023

Petitioner :- Sanjay Kumar Shukla Alias Sanjay Shukla And Others

Respondent :- State Of U.P. Thru. Secy. Home, Lko. And Others

Counsel for Petitioner :- Vishwakant Srivastava

Counsel for Respondent :- G.A., Arun Singh Kalhans

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Short counter affidavit filed on behalf of learned AGA for the State-respondents is taken on record.

This matter has been listed under Chapter XII Rule 4 of the Allahabad High Court Rules, 1952.

None appears on behalf of the petitioners. Learned AGA for State-respondents is present.

In compliance of order dated 27.03.2023 the petitioner has failed to take steps in the matter.

Learned A.G.A., on the basis of short counter affidavit, has stated that offence under Sections 323, 504, 506 of the I.P.C. were made out during the course of investigation against the petitioner nos.2 and 4, and therefore, Charge-sheet No.01 of 2023 dated 24.04.2023 has been prepared against them and is pending with the Supervisory Authority and will soon be submitted in Court concerned and investigation has been concluded. It is further submitted that due to lack of evidence under Sections 354B, 452, 304 IPC the said sections were deleted and names of petitioner nos.1 and 3 were not found to be involved in the incident, hence their names were deleted.

Since the Charge-sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and will be filed with the Charge-sheet before the Trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

The writ petition is **dismissed** with liberty to the petitioners to approach the Competent Court for raising their challenge to the Charge-sheet.

Order Date :- 16.11.2023/Arnima