

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 3423 of 2022

Petitioner :- Shyam Narayan Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And Others

Counsel for Petitioner :- Pradeep Kumar

Counsel for Respondent :- G.A.

with

Case :- CRIMINAL MISC. WRIT PETITION No. - 2569 of 2022

Petitioner :- Pacharan Nath

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko. And Others

Counsel for Petitioner :- Manoj Kumar Singh, Ravindra Gupta

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

None appears on behalf of petitioner in both the writ petitions. Learned AGA is present on behalf of State-respondents.

Learned AGA has filed short counter affidavit and the same is taken on record.

Learned AGA on the basis of short counter affidavit states that investigation has been completed after statement of victim and witness have recorded before the concerned Magistrate. During the course of investigation name of opp. party no.6- Pacharan Nath (petitioner in writ petition no.2569 of 2022) has come to light and Section 354 I.P.C. and Section 7/8 POCSO Act was deleted from the list of offences and Section 376D IPC and Section 5M/6 of POCSO Act were added. Further, credible evidence was found against accused Kamta Prasad Maurya alias Ram Akshar (opp. party no.5 in writ petition no.3423 of 2022) and Pacharan Nath (opp. party no.6 in writ petition no.3423 of 2022), therefore, Charge Sheet No. A-202 of 2022 was prepared on 04.07.2022 against them and forwarded to the Supervisory Authority for onward transmission to Court concerned. The said Charge Sheet has been filed in the POCSO Court on 29.07.2022.

Since the charge sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and 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.

This writ petition is **dismissed** with liberty to the petitioners to approach the competent Court for raising their challenge to the charge sheet.

Order Date :- 8.12.2023

Arnima