

Court No. - 13

Case :- CRIMINAL MISC. WRIT PETITION No. - 3695 of 2023

Petitioner :- Daya Shankar Tiwari And Others

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. Home, Lko. And Another

Counsel for Petitioner :- Brijesh Kumar Singh

Counsel for Respondent :- G.A., Vinod Kumar Pandey

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for petitioners as well as learned Additional Government Advocate for State as well as learned counsel for the private respondent.

Learned counsel for the private respondent submits that the petition filed by petitioner no. 1 and 2 is misconceived as they have not filed any discharge application or the revision, although common prayer has been made for quashing of the order dated 26.05.2022 and 24.03.2023 passed by the ACJM Court No. 18 and Sessions Judge, Sultanpur.

Learned counsel for petitioners, at this stage, submits that present petition may be dismissed as not pressed with liberty to file a bail application which may be decided in view of law laid down by Supreme Court in "*Satender Kumar Antil versus Central Bureau of Investigation and another, Special Leave to Appeal (Cri)No.5191 of 2021*" to which learned A.G.A. has no objection.

In view of the above, prayer for quashing the impugned proceeding is refused. So far as other prayer is concerned, it is provided that in case the petitioners appear before the trial court within three weeks from today and apply for bail, the same shall be decided expeditiously, in view of the law laid down by Supreme Court in Satender Kumar Antil's case (supra).

The petition is ***disposed of*** accordingly.

Order Date :- 7.11.2023

R.C.