

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 4476 of 2022

Petitioner :- Smt. Ram Rati

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

Counsel for Petitioner :- Jay Prakash Singh, Bhimbahadur Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner and learned A.G.A.

This petition has been filed with the following main prayer:-

A. to issue a writ, and order or direction in the nature of mandamus commanding the respondent nos. 2 and 3 to do proper investigation in F.I.R. No. 299 of 2020 under Sections 147, 148, 323, 504, 308 I.P.C., Police Station- Kandhai, District- Pratapgarh and the respondent nos. 4 to 10 be arrested in the interest of justice.

In pursuance of our earlier order a short counter affidavit has been filed by the S.H.O. Police Station- Kandhai, District- Pratapgarh and personal affidavit has been filed by the Superintendent of Police, Pratapgarh. From the same it is evident that the charge sheet has been filed on the basis of evidence collected by the subsequent Investigating Officer. On examination of evidence Section 308 has been deleted from the list of offences. The charge sheet having been filed before the learned trial court concerned on 16.7.2022. The instruction is taken on record.

Since the Charge-sheet has been prepared by the Investigating Office r, 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.

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

Order Date :- 29.11.2023

Anuj Singh