

Court No. - 11

Case :- APPLICATION U/S 482 No. - 1909 of 2016

Applicant :- Mohd. Aziz Khan And Others

Opposite Party :- State Of U.P. And Anr.

Counsel for Applicant :- Mohd. Waris Farooqui

Counsel for Opposite Party :- Govt. Advocate, Anand Pratap Singh, Dinesh Chandra Tewari, Rakesh Kumar Saini

Hon'ble Saurabh Lavania, J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.

2. The present petition under Section 482 Cr.P.C has been filed by the applicant with the prayer to quash/set-aside the impugned summoning order dated 27.06.2015 passed by learned Chief Judicial Magistrate, Gonda as well as set aside the entire proceedings of Criminal Case No. 1908/15 (State v. Mohd. Aziz Khan and others) arising out of N.C.R. No. 172/14 under Section 323, 504 IPC, Police Station -Dhaneypur District- Gonda pending before Chief Judicial Magistrate, Gonda.

3. After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.

4. It is further prayed that liberty may also be given to the applicant to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in Petition for **Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.**

5. Learned AGA has no objection to the prayer made by learned counsel for the applicants.

6. As prayed, liberty is granted to the applicant to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

7. As far as prayer made by learned counsel for the applicant to grant liberty to the applicant to file bail application and the same may be decided in view of law laid down in the case of **Satender Kumar Antil (supra)**, liberty is given to the applicant to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil (supra)**.

8. With the aforesaid observations, the present petition is disposed of.

Order Date :- 30.11.2023

Mohit Singh