

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4379 of 2023

Petitioner :- Mohd Dilshad

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

Counsel for Petitioner :- Pratyush Rawat,Rajan Mishra,Soumya Dixit

Counsel for Respondent :- G.A.

Hon'ble Rajnish Kumar,J.

Hon'ble Umesh Chandra Sharma,J.

Heard Ms. Soumya Dixit, learned counsel for the petitioner and learned A.G.A. for the State.

This petition has been filed challenging F.I.R. dated 16.05.2023 No. 0141 of 2023 under Section 380 I.P.C. Police Station-Lalia, District- Balrampur.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and the allegations are covered under Section 41-A of the Cr.P.C. even then the police is trying to arrest the petitioner.

On the other hand learned A.G.A. on the basis of case-diary submits that co-accuseds have been arrested and name of the petitioner has come in their statements as main conspirator alongwith Shamshad. Recovery has also been made from the co-accuseds. However, the petitioner has been absconding. He has further submitted that during investigation Sections 392, 120B, 506 and 412 I.P.C. have also been added which does not attract provision of Section 41-A Cr.P.C.

Having considered the submissions of learned counsel for the parties and the statements of co-accuseds who have been arrested and recovery has also been made from them, this Court is not inclined to interfere with the F.I.R. under Article 226 of the Constitution of India.

The petition is misconceived and lacks merit.

The writ petition is, accordingly, dismissed.

Order Date :- 5.6.2023/S.Verma