

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4771 of 2023

Petitioner :- Sangam Yadav Alias Tipu And Others

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

Counsel for Petitioner :- Parijat Mishra Belavra, Ashutosh Dhar Dubey, Chandra Shekhar Shukla

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard learned counsel for the petitioners as well as learned A.G.A. and perused the record.

2. Under challenge in this petition is the First Information Report dated 31.5.2023 lodged at Case Crime No.0042 of 2023, under Sections 323, 452, 504 and 506 I.P.C. and Section 3(1)(r), 3(1)(s) SC/ST Act, Police Station Kotwali Shivgarh, District Sultanpur.

3. Learned counsel for the petitioners confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report entail punishment upto seven years.

4. Accordingly, we ***dispose of*** this petition with direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar***, reported in (2014) 8 SCC 273.

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(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 22.6.2023

Rao/-