

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 4828 of 2023

Petitioner :- Shyam Lal

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

Counsel for Petitioner :- Chandra Bhooshan

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard learned counsel for the petitioner and learned A.G.A.
2. Under challenge in this petition is the First Information Report No.138 of 2023 under Sections 147, 341, 353, 384, 504, 506 IPC, 7 Criminal Law Amendment Act, Police Station Hargaon, District Sitapur.
3. Though the petitioner is not named in the FIR but it appears that during the course of investigation some evidence has been collected against him. The petitioner is not cooperating with the investigation apprehending his arrest.
4. Learned counsel for the petitioner 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 carry the sentence of up to 7 years of imprisonment.
5. Accordingly, we dispose of this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.**

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

Order Date :- 22.6.2023

prateek