

Court No. - 9

Case :- APPLICATION U/S 482 No. - 6099 of 2023

Applicant :- Om Prakash Tiwari

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And Another

Counsel for Applicant :- Akhilesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1.Vakalatnama filed by Shri Sandeep Kumar Trivedi, Advocate on behalf of Opposite Party No.2 is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. The present application is filed under Section 482 Cr.P.C. impugning the order dated 07.06.2023 passed by Sessions Court, Pratapgarh in Criminal Revision No.56 of 2023 filed by respondent no.2 against the order dated 05.04.2023 passed by Sub-Divisional Magistrate, Lalganj, Pratapgarh under Section 145/146 (1) of the Code of Criminal Procedure.

4. It is submitted that the date was fixed by the Sub-Divisional Magistrate on an application under Section 145 (1) of Cr.P.C. for 11.04.2023 for filing the response by the respondent no.2 however, before the said date, the order dated 05.04.2023 was passed.

5. Considering the facts that the order was wholly illegal and without giving an opportunity of hearing before the date fixed i.e. 11.04.2023, the Magistrate passed the order on 05.04.2023 itself and the Revisional Court has set aside the order dated 05.04.2023 in accordance with the law.

6. This Court finds no ground to interfere with the impugned order passed by the Revisional Court as the order impugned does not suffer from any illegality.

7. This application has no merit and substance, therefore, the same is hereby **dismissed**.

Order Date :- 23.6.2023

V. Sinha