

Court No. - 12

Case :- APPLICATION U/S 482 No. - 5165 of 2022

Applicant :- Satyam Singh

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

Counsel for Applicant :- Akhilesh Kumar Pandey, Trinetra Shankar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. The instant application under section 482 Cr.P.C. has been filed for quashing of the impugned Chargesheet No. A-31 of 2021, dated 08-03-2021 and summoning order dated 18-08-2021 passed by Special Judge, Gangster Act, Ambedkar Nagar, as well as entire proceedings of Gangster Case No. 377 of 2021, State Versus Satyam Singh & Others, arising out of F.I.R. No. 0001 of 2021, under section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Jalalpur, District-Ambedkar Nagar.
3. Learned counsel for the applicant submitted that applicant was falsely implicated in the Case Crime No.6 of 2020 under Sections 379 and 411 IPC P.S. Jalalpur, District- Ambedkar Nagar by Inspector Manish Kumar Singh showing false recovery of the mobile phone, without sending the said phone to FSL for examination and nowhere IMEI number of the said phone is mentioned in the case diary.
4. Learned counsel further submitted that thereafter the applicant was also implicated in another case, i.e., case crime No.7 of 2020 under Section 411 IPC and there was no FIR about the theft of the said recovered mobile phone and thereafter on the basis of aforesaid two cases, gang chart was prepared by Manish Kumar Singh, In-charge, Station House Officer Jalalpur, District- Ambedkar Nagar on 22.12.2020 with the averment that applicant is operating an organized gang as he is a gang leader and, for monetary benefits, he is habitual of committing offenses like theft and other heinous offenses and he is a habitual offender of the offenses under chapter 17 of the Indian Penal Code. He further submitted that, on the basis of the aforesaid, gang chart was prepared by the Inspector Manish

Kumar Singh which was approved by District Magistrate, Ambedkar Nagar and FIR was lodged under Section 61 of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 and during the Course of aforesaid case a request to Sub-Divisional Officer, Jalalpur, District- Ambedkar Nagar, about the movable and immovable assets of the applicant, was made. In response to aforesaid letter, a report was submitted by the Tehsildar- Jalalpur, District Ambedkar Nagar on 26.02.2021 and it was informed that no any movable or immovable property is found in the name of applicant. At the same time Mr. Vivek Verma, Station House Officer also requested to Regional Transport Officer that whether any vehicle is registered in the name of the applicant or not and a report was submitted on 27.7.2021 that no any vehicle is registered in the name of the applicant and letters were also written to the Branch Managers, State Bank of India, Punjab National Bank, Bank of Baroda, Union Bank of India, Jalalpur Branch, Ambedkar Nagar on 04.03.2021 to get the details of the accounts of the applicant and respective branch Managers categorically informed that no any bank account is found in the name of applicant except for Bank of Baroda, Raniganj branch, District Ambedkar Nagar where one bank account was registered in the name of applicant and only Rs. 1400/- were found in that account.

5. He further submitted that no offense under Section 3 (1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 is made out but the chargesheet was filed by the Investigating Officer in the most mechanical manner as there is no evidence found by the Investigating Officer that the applicant was getting monetary benefits by giving threats or causing violence or intimidating any person and he also relied on the decision of this Court in the case of **Tej Singh and Ors. Vs. State of U.P. and Anr.** reported in **2019 ILR (Allahabad) 124** and requested that impugned proceeding may be quashed.

6. Learned AGA vehemently opposed the prayer of the applicant and submitted that chargesheet has already been filed and the involvement of applicant was found in the two cases as mentioned in the Gang chart but he does not dispute this fact that the Revenue Authorities as well as the Regional Transport Officer had informed, in response to the letters of police officers, that neither any movable or immovable property nor any vehicle was found in the name of the applicant. Only one bank account in the Bank of Baroda, Raniganj, District- Ambedkar Nagar was found found in the name of the applicant and in that account only Rs.1400/- were there. He further submitted that the defense of the applicant cannot be considered at this stage, therefore present application is liable to be dismissed.

7. Considering the arguments of learned counsels for the parties and going through the contents of petition, as it is evident from the record that the gang chart was prepared by Inspector Manish Kumar Singh on the basis of chargesheet against the applicant in two cases being case Crime No. 6 of 2020, U/s 379/411 IPC and case Crime No. 7 of 2020 under Section 411 IPC, P.S. Jalalpur, District Ambedkar Nagar; as case Crime No.6 of 2020 was registered on 10.01.2020 and case Crime no. 7 of 2020 was registered on 11.01.2020 after arresting the applicant by showing false recovery and he was also implicated in earlier case; as Revenue Authorities as well as Regional Transport Authorities have categorically reported to the Investigating Officer that there is no asset or vehicle registered in the name of the applicant and in his name only one account was found in the Bank of Baroda, Raniganj, District- Ambedkar Nagar in which amount of Rs. 1400/- was found; as purpose of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 is to take necessary action against the criminals those who are committing crime in the organized way for monetary benefits but in the present case no evidence was collected by the Investigating Officer to indicate the same and merely on the basis of recovery of one mobile phone he was challaned under Section 411 IPC and thereafter chargesheet was filed but it was never connected with the crime which was lodged for theft of mobile, therefore this Court is of the view that the entire proceeding is initiated in the most mechanical manner and chargesheet was filed without appropriate evidence, merely on the basis of vague and superficial evidences.

8. In view of the above, the impugned Chargesheet No. A-31 of 2021, dated 08-03-2021 and summoning order dated 18-08-2021 passed by Special Judge, Gangster Act, Ambedkar Nagar as well as entire proceedings of Gangster Case No. 377 of 2021, State Versus Satyam Singh & Others, arising out of F.I.R. No. 0001 of 2021, under section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station- Jalalpur, District-Ambedkar Nagar are quashed. The present application under section 482 Cr.P.C. stands **allowed**.

9. Office is directed to send a copy of this order to the concerned trial Court.

Order Date :- 6.12.2023/Vipul