

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8474 of 2021

Petitioner :- Uma Chaubey

Respondent :- State Of U.P. Thru Prin. Secretary Home Lko. And Ors.

Counsel for Petitioner :- Dinesh Kumar Mishra,Nishant

Mishra,Umeshwar Pratap Pandey

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Ajai Kumar Srivastava-I,J.

(C. M. Application No. 5 of 2023)

This is an application or recall of the order dated 01.08.2023 supported with affidavit.

Heard.

Cause shown in the affidavit filed in support of the application for recall of the order dated 01.08.2023 is sufficient.

The application for recall is allowed and the order dated 01.08.2023 is recalled.

The writ petition is restored to its original number.

(Ajai Kumar Srivastava-I,J.) (Rajan Roy,J.)

Order Date :- 13.12.2023

R.K.P.

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Heard learned counsel for the petitioner and Ms. Meera Tripathi, learned A.G.A. for the State.

The petitioner who is mother of the accused has filed this writ petition seeking the following reliefs:-

"(ii) To issue a writ, order direction in the nature of Mandamus commanding the Opposite Party No.3 to conduct a fair scientific inquiry against the police personnel upon the application/complaint moved by the petitioner contained as annexure no. 5 to the writ petition dated 17.03.2021 after collecting the call detail of the petitioner son, Petitioner husband and S.W.A.T. and S.O.G. District Basti including the S.H.O. Parsurampur Basti and police personnel of the police parsurampur Basi in the interest of justice.

(iii) To issue any other writ order or direction in the nature of Mandamus commanding the Opposite Party no. 1 to appoint the any officer to conduct the inquiry as averred in the application dated 17.01.2021 and others document and others application submitted by the husband of petitioner in the interest of justice."

The contention of the petitioner's counsel is that two first information reports were lodged, one at police station of District- Basti and another at police station of District -Gonda, however, there is no mention of the details of the F.I.R. or criminal case in respect of which this writ petition has been filed in the pleadings of the writ petition.

This writ petition is disposed of with the observation that the petitioner, if she has locus and a cause, may approach higher authorities for redressal of her grievance.

With the aforesaid observations, the writ petition is finally **disposed of.**

(Ajai Kumar Srivastava-I,J.)

(Rajan Roy,J.)

Order Date :- 13.12.2023

R.K.P.