

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 5495 of 2023

Petitioner :- Ram Saran

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

Counsel for Petitioner :- Mohd. Salman, Arshad
Jameel, Mohammad Naseem

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned AGA who appears on behalf of the State-respondents and peruse the record.

This Court had passed an order on 20.7.2023 directing the learned AGA to file a counter affidavit in the matter as the petitioner had prayed for a mandamus to be issued to the respondent nos. 2 and 3 to ensure the proper investigation and to add relevant sections of SC/ST Act against the accused also.

Learned AGA has filed a detailed counter affidavit sworn by Sri Ashutosh Kumar, Assistant Commissioner of Police, Aliganj, Lucknow wherein it has been stated that an application for grant of permission for further investigation under Section 173(8) Cr.P.c. was filed before the court concerned but the Magistrate has rejected the same as not maintainable on the ground that the trial is going on in the matter and is near in conclusion, therefore, such application for further investigation at this stage cannot be allowed.

In view of the aforesaid, this writ petition is **disposed of** with a direction to the petitioner to approach the appropriate Court.

Order Date :- 18.12.2023

AKK