

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 6974 of 2022

Petitioner :- Vipin Kumar And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectr. Lucknow And Others

Counsel for Petitioner :- Anil Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

None appears on behalf of the petitioners. Learned AGA for State-respondents is present.

Learned A.G.A. has filed short counter affidavit and the same is taken on record.

Learned AGA on the basis of short counter affidavit states that investigation has been concluded and Charge Sheet No.409 of 2022 has been prepared against petitioner nos.2, 3 and 5- **Vipta Devi, Lakhpatti Devi** and **Radha Devi** for offence under Section 323 IPC was prepared by the Investigating Officer on 30.09.2022 and forwarded to the Supervisory Authority for onward transmission to Court concerned. So far as petitioner no.4-Vikki is concerned her name is deleted from the array of accused as no credible evidence was found against her. It is further submitted that investigation of case is still going on only against petitioner no.1-Vipin Kumar as he is not co-operating with the investigation.

Since the charge sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and filed with the charge sheet before the trial Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

This writ petition is **dismissed** with liberty to the petitioners to approach the competent Court for raising their challenge to the charge sheet.

Order Date :- 2.12.2023

Arnima