

**Court No. - 12**

**Case :-** APPLICATION U/S 482 No. - 7710 of 2023

**Applicant :-** Himanshu Jaiswal

**Opposite Party :-** State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Civil Secrett. Lko. And Another

**Counsel for Applicant :-** Lalit Kishore Tiwari, Karuna Shankar Tiwari

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajeev Singh, J.**

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the impugned charge dated 26.08.2022 framed in Case No. 843 of 2017 arising out of Case Crime No. 396 of 2016 U/s 354, 354-B, 323, 504, 506 I.P.C., Police Station- Saadatganj, Lucknow pending before learned Additional Chief Judicial Magistrate-III, Lucknow.

3. Learned counsel for the applicant submits that charge sheet was filed by the Investigating Officer in the present case and cognizance was taken by learned trial court on 09.03.2017, thereafter, order was passed for preparation of copies of the police report for providing it to the accused persons. He further submits that the copies of the police report as well as relevant documents were never provided to applicant, hence, applicant moved an application with a request to provide the police report but the said application was rejected and charges were framed by learned trial court. It is further submitted that instruction sought from learned trial court, those are available on record, clearly reveals that copies of police report were never provided to accused persons. It is, thus, submitted that the impugned charge framed by learned trial court on 26.08.2022 may be quashed and the matter may be remanded.

4. Learned A.G.A. opposes the prayer of applicant but he has no objection, in case, the impugned charge/order is quashed.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application, instructions of learned Additional Chief Judicial Magistrate-III, Court No. 27, Lucknow, complete order sheet of the case in question, other relevant documents; it is evident that

copies of police paper/report were not provided U/s 207 Cr.P.C., however, the charges were framed.

6. In view of above, the present application is **allowed** and the impugned charge/order dated 26.08.2022 is hereby **quashed**.

7. Trial court is directed to pass a fresh order after giving the police papers in accordance with the provisions of Section 207 Cr.P.C.

8. Office is directed to communicate this order to trial court, forthwith.

**Order Date :- 2.12.2023**

Arpan