

Court No. - 12

Case :- APPLICATION U/S 482 No. - 8453 of 2023

Applicant :- Faiyaz Abbas

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

Counsel for Applicant :- Iqbal Ahmad, Mohd. Kumail Haider

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. This application has been filed for quashing the order dated 12.07.2023 passed by Special Judge, POCSO, Court No. 2, Lucknow whereby application moved under Section 84 Cr.P.C. by the applicant in S.T. No. 487 of 2016, was dismissed.

3. Learned A.G.A., while raising preliminary objection regarding maintainability of the present application, submits that the impugned order is appealable under Section 86 of the Code of Criminal Procedure.

4. At this stage, learned counsel for the applicant seeks leave of this Court to permit withdrawal of the present application with liberty to avail statutory remedy of appeal.

5. Prayer made is allowed.

6. The application stands dismissed as withdrawn with the liberty to the applicant to move appeal before the appropriate forum within one month from today.

In case, any such appeal is moved, it is expected that the same shall be decided by the authority concerned expeditiously.

7. Office is directed to return the certified copy of the documents to the learned counsel for the applicant, after retaining photocopy of the same.

Order Date :- 17.11.2023

VKS