

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11360 of 2023

Applicant :- Raman Sahni

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lucknow
And Another

Counsel for Applicant :- Rajiv Raman Srivastava

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. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the impugned order dated 25.8.2023 passed by learned Chief Judicial Magistrate, Sitapur.

3. Learned counsel for the applicant has submitted that on the basis of incorrect facts, F.I.R. of the case in question was lodged, and charge sheet was filed by the Investigating Officer in the most mechanical manner. He also relied on the photo copy of the enquiry report forwarded by the area Lekhpal, which was approved by Naib Tehsildar as well as Tehsildar on 3.9.2015 and 7.9.2015, respectively. He further submitted that after framing of charges, trial was proceeded and five witnesses have been examined. He next submitted that original report is not available in the office of Tehsildar, as it was summoned by the learned trial court but Tehsildar reported that relevant paper book is not available at this stage as the same has already been weeded out. He further submitted that aforesaid report was reported by area lekhpal without inspecting the site and the aforesaid report is not acceptable in the trial, therefore, indulgence of this court is necessary.

4. Learned A.G.A. for the State opposed the prayer of the applicant and submitted that alleged report was prepared by area lekhpal and he was called by the learned trial court and proved the reports, which was part of the case diary, and it is not necessary that aforesaid report be proved by Tehsildar or Naib Tehsildar, who endorsed the

report.

5. Considering the submissions of learned counsel for the parties, going through the record of application as well as other relevant documents, as it is undisputed fact that the disputed report was the part of the case diary and the statement of lekhpal was also recorded by the Investigating Officer, who also produced before the trial court as P.W.5 and he proved the report, which was part of the case diary, therefore, there is no illegality in the order passed by the court below, accordingly, the present application under Section 482 Cr.P.C. is liable to be dismissed.

6. In view of the above, the present application under Section 482 Cr.P.C. is **dismissed**.

Order Date :- 30.11.2023

Gaurav/-