

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 4782 of 2023

Petitioner :- Mamta

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lko And Another

Counsel for Petitioner :- Dileep Kumar Tiwari, Md. Khurshed Ahmad

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner as well as learned AGA for the State.

Notices to respondent no. 2 are dispensed with in view of the proposed order.

By this petition, the petitioner has prayed for the following relief:-

a. Issue order or direction to the opposite party no.2 i.e. Learned District Judge, District-Sultanpur to re- constitute the file of Crl. Case No.826/2022, State V/s Jaisingh and others, in Case Crime No.238/2021, under section 323, 504, 506, 452, 34 IPC, P.S. Chanda, District-Sultanpur, which was pending before the court of Learned Additional Chief Judicial Magistrate, Room No.17, Sultanpur, in the interest of justice.

Learned AGA has raised a preliminary objection submitting that the petition is not maintainable for reconstruction of the record of the missing file. The petitioner has a remedy to approach the District Judge as well as the concerned Administrative Judge for reconstruction of the record.

On the objection, learned counsel for the petitioner could not show or produce any material that the petition for such relief is maintainable.

Accordingly, the petition is ***dismissed*** as not maintainable. However, liberty is given to the petitioner to approach the concerned District Judge/Administrative Judge of the District concerned for the relief as prayed in this petition.

Order Date :- 20.11.2023

R.C.