

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7434 of 2023

Petitioner :- Smt. Arti Srivastava And Others

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

Counsel for Petitioner :- Krishna Mohan Srivastava

Counsel for Respondent :- G.A.,J.K. Singh,Jitendra Kumar Singh

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(Crl. Misc. Application for recall/modification/I.A. No.2 of 2023)

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

The challenge in the writ petition is the First Information Report dated 20.04.2023, registered as F.I.R./Case Crime No.0155/2023, under Sections 406/420/506 of the I.P.C., at Police Station - Pali, District - Hardoi.

The application has been moved for recall/modification of our order dated 26.09.2023.

We have perused the order dated 26.09.2023. It has been submitted by learned counsel for the petitioners that the petitioners are not in a position to deposit Rs.2.00 Lakhs by way of bank draft in compliance of the conditions mentioned in the interim order dated 26.09.2023 and that the petitioners may be given the benefit of the judgment rendered by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

This court has carefully gone through the F.I.R. and finds that there is specific allegation that Rs.50,000/- cash was given to J.P. Srivastava and Rs.4,60,000/- was given by way of cheques in the name of Arti Srivastava and Rs.30,000/- was given to their son Shri Vivek Ranjan Srivastava through cheque. A total amount of Rs.5,40,000/- was given for the purchase of the Scooties/ electric two wheelers from the petitioners. The petitioners, however, supplied only 05 such electric two wheelers. The cost of such 05 electric two wheelers was

Rs.2,76,165.75 only. The remaining Rs.2,63,834.25 is still due on the petitioners/accused.

This court finds no good ground to show interference in the matter.

Accordingly, the application for recall/modification is rejected and the writ petition is also stands dismissed.

Order Date :- 10.10.2023

ML/-