

**Court No. - 28**

**Case :-** APPLICATION U/S 482 No. - 9660 of 2023

**Applicant :-** Balvinder Singh And Another

**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 Shree Prakash Singh,J.**

Heard Sri Rajiv Raman Srivastava, learned counsel for the applicants, Sri Nirmal Kumar Pandey, learned A.G.A. for the State and perused the record.

Instant application has been filed with a prayer to quash the impugned order dated 22.7.2023 passed by learned Chief Judicial Magistrate, Sitapur in Criminal case no. 2536 of 1994, State Versus Balvinder Singh and others which is registered as case crime no. 288 of 1992, Under sections 328,302, I.P.C. relating to police station Kotwali Nagar, District Sitapur.

Learned counsel appearing for the applicants submits that an FIR was lodged on 25.04.1992 and thereafter, the final report was submitted, but the learned trial court has decided the protest application vide order dated 22.07.2023 i.e. after passing of about 30 years. He added that the final report was submitted just after the investigation was completed, but it took about 29 years to decide the same and now the age of the applicant namely, Balvinder Singh, is about 70 years and he is suffering hard as the criminal proceeding is pending since long back thirty years. He next added that in fact the present applicants were never involved in committing any offence and on the basis of the suspicion, they have been chargesheeted and summoned.

He also added that there is no cogent piece of evidence against the applicants, as per the version of the FIR, the deceased was taken to the hospital and thereafter, she was reported dead and the Viscera was preserved and it was sent to F.S.L. and after the report furnished, it was found that there is Ammonium Phosphate, administered to the deceased and thereafter, the matter proceeded and the present applicants have been thrown to face the criminal proceedings. He submits that in fact the story of prosecution is highly doubtful and therefore, the entire proceedings of the trial against the applicants vitiates in the eyes of law.

After the aforesaid, he confined his arguments and submits that the applicants may be permitted to move discharge application before the trial court concerned and the same may be decided within stipulated period of time.

Learned counsel for the State has no objection so far as the liberty of filing of discharge application is given to the applicants

In view of the aforesaid innocuous prayer, the applicants are at liberty to move discharge application within a period of 15 days from today and if, such an application is filed, the same shall be decided with the speaking and reasoned order, within further period of three weeks.

The applicants are further given liberty to move discharge applications through their counsels.

It is further observed that after a period of six weeks, the trial court is at liberty to proceed, in accordance with the law and any deviation in filing discharge application within time framed would stand the above-said liberty revoked.

With the aforesaid observations, the instant application is hereby **disposed of**.

**Order Date :- 17.10.2023**  
Mayank