

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9979 of 2023

Applicant :- Renu Rai @ Soni Pandey

Opposite Party :- State Of U.P. Thru. Addil. Chief Secy. Deptt. Home Lok Bhawan Civil Sectr. Lko. And 2 Others

Counsel for Applicant :- Rohit Kumar Tripathi, Rama Soni

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. Present application has been moved by the applicant for quashing the summoning order dated 23.02.2017, N.B.W. dated 09.08.2023 issued by Special Chief Judicial Magistrate (Custom), District- Lucknow and charge sheet dated 22.02.2017 in Case Crime No.3 of 2016 U/S 419, 420, 467, 468, 471, 34, 120-B I.P.C., 66 of I.T. Act and 143 of Railway Act, P.S. Cyber Crime, District- Lucknow.

3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in this case. He further submitted that without any evidence, charge sheet was filed by Investigating Officer against the applicant, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of applicant and submitted that F.I.R. of case in question was lodged by Official of Railways with the allegation of black-marketing of railway tickets, thereafter, detailed investigation was conducted by S.T.F. as well as Cyber Cell and involvement of applicant was found in the alleged crime, therefore, charge sheet was filed. He further submitted that all these defence of applicant cannot be considered at this stage. He further drew attention of this Court on the law laid down by Hon'ble Apex Court in the case of ***C.B.I. Vs. Aryan Singh*** reported in ***2023 SCC OnLine SC 379*** and requested for dismissal of the present application.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the record that the F.I.R. of case in question was lodged by Mr. Rakesh Kumar Mishra, Assistant Manager, Anti-Fraud, I.R.C.T.C., I.T. Centre, New Delhi, Ministry of Railways with the allegation that in the entire country, black-marketing of railway tickets are being

done by the accused persons and they are releasing huge amount as a commission from the innocent public, as after investigation, charge sheet was filed and the defence of the applicant cannot be considered at this stage, therefore, I am of the view that the application is misconceived and liable to be dismissed.

6. Accordingly, the application is hereby **dismissed**.

7. However, it is open to the applicant to move bail application before the competent Court under Section 438/439 Cr.P.C. In case, any bail application is moved, same shall be considered and decided by the competent Court, expeditiously in accordance with law.

Order Date :- 16.10.2023

V. Sinha