Court No. - 12

Case :- APPLICATION U/S 482 No. - 9855 of 2023

Applicant :- Rakesh Kumar Jaiswal
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Secrt. Lko. And Others
Counsel for Applicant :- Manoj Kumar Dwivedi,Anil Kumar,Arun Kumar Dwivedi
Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and the learned A.G.A. and perused the material available on record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the proceeding arisen out of Case Crime No.792/2022, under Sections 504, 506 I.P.C., Section 3(2)(va) of SC/ST Act, Police Station Kotwali Nagar, District Barabanki.

3. Learned counsel for applicants submits that the applicant is an innocent person and he has been falsely implicated in the present case. It is also contended that Investigating Officer without applying his mind, has wrongly submitted the charge sheet arraying the name of the applicant as an accused. In view of above, this application deserves to be allowed.

4. Per contra, learned A.G.A. urged that there is sufficient evidence against the applicant and there is no occasion for quashing of the impugned summoning order and proceedings of aforesaid case.

5. Having heard learned counsel for the parties, a perusal of record and in the facts and circumstances of the case, a prima facie, case is made out against the applicant. Therefore, prayer for quashing the impugned summoning order as well as proceedings of aforesaid case, is declined.

6. After arguing the matter up to some length, learned counsel for the applicant submits that he

does not want to press this application on merit and he confines his prayer only to the extent that he may be permitted to move discharge application through counsel and suitable directions may be issued for expeditious disposal of the same.

7. Learned A.G.A. has no objection in grant of aforesaid prayer.

8. In view of above, it is provided that applicant is permitted to move his discharge applications through counsel within four weeks' from today and, in case, any such application is being filed, the same shall be heard and decided expeditiously after hearing the parties, in accordance with law, by means of a reasoned and speaking order.

9. Till the aforesaid period of four weeks' and during the pendency of discharge application, no coercive steps shall be taken against the applicant in the aforesaid case.

10. In case of failure on the part of applicant in moving the discharge application within the aforesaid period, he will not be entitled to the benefit of this order.

11. It is clarified that after disposal of discharge application, the applicant will be subject to regular process of the court concerned, including bail etc.

12. With the above directions, this application is **disposed of**.

Order Date :- 10.10.2023
Gaurav/-

Digitally signed by :-
GAURAV PAL
High Court of Judicature at Allahabad,
Lucknow Bench