

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9877 of 2023

Applicant :- Gulam Ali

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And Another

Counsel for Applicant :- Sumit Chauhan, Atul Kumar Singh
Gaur

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 14.06.2023 in Case No.20379 of 2023 (State Vs. Meraj) and charge sheet dated 31.07.2022 in Case Crime No.335 of 2020 U/S 3/7 of Essential Commodities Act, P.S. Motipur, District- Bahraich.
3. Learned counsel for the applicants submitted that the investigation of the case in question was not properly conducted by the Investigating Officers as several evidences were provided but the same were not taken into consideration in accordance with the provisions of Para 107 of U.P. Police Regulation. He further submitted that the specific control order is also not mentioned which was being violated, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that all these defence cannot be considered by this Court under Section 482 Cr.P.C.. He further relied on the decision of Hon'ble Apex Court in the case of ***C.B.I. Vs. Aryan Singh*** reported in ***2023 SCC OnLine SC 379*** and submitted that mini trial cannot be conducted at this stage, therefore, application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the charge sheet has already been filed and defence of applicant cannot be considered at this stage, therefore, I am of the view that the application is liable to be dismissed.
6. Accordingly, the application is hereby **dismissed**.
7. However, it is open to the applicant to move a bail

application before the competent Court. In case, any bail application is moved before the competent Court, the same shall be considered and decided, expeditiously in accordance with law.

Order Date :- 12.10.2023/V. Sinha