

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9853 of 2023

Applicant :- Raj Kishore Tiwari

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

Counsel for Applicant :- Ashok Kumar,Vijay Shankar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard Sri Ashok Kumar, learned counsel for the applicant, Sri Nirmal Kumar Pandey, learned AGA for the State and perused the record.

Instant application has been filed with a prayer to quash the chargesheet dated 27.07.2023 and notice under section 111 of Cr.P.C. dated 01.08.2023 in Criminal Case No. 1217 of 2023 (State Versus Raj Kishore Tiwari).

Learned counsel appearing for the applicant submits that the facts mentioned in the challani report are incorrect and the learned Executive Magistrate without coming to the truthfulness, has issued notice under section 111 of Cr.P.C. He also added that the applicant namely, Raj Kishore Tiwari is employed in press club posted at Dehradun at Uttarakhand and he was not present at his place and therefore, notices could not have been issued without recording the reasons to believe.

Learned counsel appearing for the State has opposed the contention aforesaid and submits that there is disputed question of fact regarding presence of the applicant and therefore, the instant application is premature and the applicant has still all opportunity to move the reply to the notice issued to him.

Considering the aforesaid facts and circumstances, it transpires

that the notice has been issued under section 111 of Cr.P.C. against the applicant and the applicant has opportunity to reply the same, before the Executive Magistrate concerned.

In view of the aforesaid, the instant application is **disposed off**, while giving liberty to the applicant to reply the notice dated 01.08.2023 issued by the Executive Magistrate.

Order Date :- 10.10.2023

Mayank