

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7902 of 2023

Petitioner :- Mohd. Kyyum And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Rachna Shukla, Arvind Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State/respondents and perused the material placed on record.

This petition has been filed with the following main prayers:-

"(a) To issue a writ, order or direction in the nature of mandamus commanding/directing the respondent no.1 to transfer the investigation of the Case Crime No.0175 of 2023, under Section 307 I.P.C. dated 18.07.2023, Police Station - Rampur Kala, District- Sitapur to C.B.C.I.D. or any other independent agency.

(b) Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondent No.1 to consider and decide the representation/application dated 22.09.2023 in prescribed period by this Hon'ble Court, in the interest of justice.

(c) Issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite party no.1 to 2 to ensure the protection of life of the Petitioners and his family members against the threat by the opposite party no.3 to 8, in the interest of justice."

It has been submitted by learned A.G.A. that the petitioners are accused and at their behest such prayer for transfer of investigation cannot be granted. Learned counsel for the petitioners has argued that the petitioners have already moved an application/representation on 18.09.2023 (Annexure No.12 to the writ petition) to the Superintendent of Police, Sitapur and a direction may be issued to the Superintendent of Police, Sitapur to decide the application/representation in accordance

with law.

This writ petition is **disposed of** with the direction to the Superintendent of Police, Sitapur to decide the application/representation of the petitioners dated 18.09.2023 in accordance with law.

Order Date :- 11.10.2023

ML/-