

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10026 of 2023

Applicant :- Sandeep @ Sandeep Kumar

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

Counsel for Applicant :- Shiv Prakash Mishra, Amitabh Kumar Tripathi, Ashish Kumar Shukla, Himanshu Kumar Srivastav

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the applicant, Shri Sushil Kumar Pandey, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed to quash the proceedings of Case Crime No. 247 of 2022, pending in the court of Additional Civil Judge(Junior Division)/Judicial Magistrate, Room No. 23, District-Pratapgarh and the summoning order dated 12-09-2023 by which the applicant has been summoned to face trial under sections 323, 504, 506, 354 Kha of I.P.C.

Learned counsel appearing for the applicant submits that the applicant is innocent and was never involved in committing the offence as has been mentioned in the first information report. He added that due to enmity, his name has been planted in the first information report and thereafter he has been chargesheeted. He next added that due to unavoidable circumstances, he could not appear before the court below.

At this stage, learned counsel for the applicant submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51.**

Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.

On due consideration to the submissions of learned counsel for the parties', it is provided that in case, the applicant appears before the trial court within two weeks from today and files bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

The application is **disposed of** accordingly.

Order Date :- 13.10.2023
AKS