

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8000 of 2023

Petitioner :- Haripal

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

Counsel for Petitioner :- Akash Dikshit

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Ajai Kumar Srivastava-I,J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1 & 2.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Mandamus thereby directing the Opposite party no.2 to conduct an uninfluenced, fair and impartial investigation of the offence lodged by the Opposite party no.3 as Crime No.0348 of 2023, under Section 307 I.P.C., at Police Station Bangarmau, District Unnao, contained in Annexure No.1 to this writ petition and,"

(3) It has been submitted by the learned counsel for the petitioner that initially the F.I.R. was lodged against unknown accused. Later on, the statement of the injured victim under Section 161 Cr.P.C. was recorded in which the petitioner has been implicated.

(4) It has been submitted by the learned counsel for the petitioner that the petitioner shot the injured on his leg then he could have accompanied him to Community Health Center.

(5) Learned A.G.A. has pointed out the Annexure No.4 to the writ petition, which is a typed copy of the statement of the injured-victim recorded under Section 161 of the Cr.P.C., wherein he has stated that the petitioner conspires to injured-victim by initially drugging him with some drug in the cold drink and later on, he became slight unconscious, while they were going towards their village,

the accused Haripal, was going adjacent to the injured, the petitioner and the injured were alone then the petitioner shot him on the leg.

(6) Whether the petitioner is the actual culprit, can only be seen with evaluating evidence by the learned Trial Court.

(7) This Court has perused the F.I.R. and also the statement made by the injured-victim, a copy of which has been filed as Annexure to the writ petition, finds no good ground to show interference in the matter.

(8) Learned A.G.A. has pointed out that it is not for the accused to come before this Court seeking a fair investigation as the fair investigation is the duty of the Investigating Officer as enumerated under Regulation 107 of the Police Regulations.

(9) The writ petition stands ***dismissed.***

Order Date :- 16.10.2023

N.PAL