

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5247 of 2023

Petitioner :- Dhananjay Kumar Singh

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

Counsel for Petitioner :- Dinesh Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned AGA for the State.

The present petition has been filed for quashing the entire proceeding of complaint case No. 61/2023 "Manish Kumar Jaiswal Vs. Vinod Kumar Agarwal and others" as well as impugned summoning order dated 24.03.2023 passed by the CJM, Balrampur.

Learned A.G.A. has raised a preliminary objection that against the revisional order, only statutory remedy available to the petitioner is to file a petition under Section 482 Cr.P.C. and recourse of Article 227 of the Constitution of India is not available in peculiar facts of this case as this is meant for extraordinary circumstances which are absent in this case.

At this stage, learned counsel for the petitioner submits that he does not want to press the petition on merits, rather prays that he may be permitted to file appropriate discharge application through counsel which may be decided in accordance with law.

Learned A.G.A. has no objection to this innocuous prayer.

Accordingly, it is provided that in case, the applicant moves an appropriate application for discharge through counsel before the concerned Court within a period of fifteen days from today, the same shall be considered and disposed of as expeditiously as possible in accordance with law, by the concerned Court preferably within a period of three months, thereafter.

With the aforesaid directions, this petition is finally disposed of.

Order Date :- 16.10.2023

R.C.