

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10211 of 2023

Applicant :- Ram Bahadur Singh

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

Counsel for Applicant :- Dheeraj Awasthi, Mayank Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the impugned charge-sheet dated 05.05.2021 as well as entire criminal proceedings of S.T. No.1032 of 2021 pending before learned Additional District Judge, F.T.C.-I, Unnao, concerning Case Crime No.740 of 2020 U/s 498-A, 323, 306, 506 I.P.C., Police Station- Kotwali, District- Unnao.

3. Learned counsel for the applicant submits that during the course of investigation, dying declaration of victim was recorded by Om Prakash Shukla, Tehsildar, in which, victim has not made any allegation for victimization in relation to the demand of dowry but charge-sheet was filed in the most mechanical manner for the offenses U/s 498-A, 323, 306, 506 I.P.C. He further submits that in the case of co-accused, namely, Smt. Munni Devi alias Prem Kumari and another, this Court has taken cognizance in application U/s 482 Cr.P.C. No.1936 of 2022. It is, thus, submitted that indulgence of this Court is necessary.

4. Learned A.G.A. vehemently opposes the prayer of applicant and submits that dying declaration of victim was recorded; one by Om Prakash, Tehsildar and the other by doctor. He further submits that in her statement recorded before doctor, she has categorically made allegations of victimization. Relying on the decision of Hon'ble Apex Court in the case of **C.B.I. vs. Aryan Singh** reported in **(2023) SCC OnLine SC 379**, learned A.G.A. also submits that all the evidences cannot be evaluated at this stage, hence, the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident

that evidences collected by Investigating Officer cannot be evaluated at this stage.

6. With the above observations, the present application lacks merit and, accordingly, stands **dismissed**.

Order Date :- 18.10.2023

Arpan