

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8126 of 2023

Petitioner :- Mahendra Kumar Gautam Alias Mahendra Kumar And Another

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

Counsel for Petitioner :- Devashish Bhatt

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners and learned A.G.A. who appears on behalf of the State Respondents.

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

*"i. To issue a writ order or direction in the nature of Certiorari to quash the report dated 09.09.2023 contained in **Annexure NO.1** and to quash the notice dated 19.09.2023 issued by OP NO.2 U/s 111 Cr.P.C. whereby the petitioners are required to show cause as to why they should not be made to furnish a personal bond of 50000/- contained in **Annexure NO.2** to the writ petition and all the actions consequent thereto arising out of Case No.1343 of 2023 U/s 107, 116 Cr.P.C. Police Station :-Baghrai District :- Pratapgarh.*

ii. To issue a writ order or direction in the nature of Mandamus commanding the opposite parties not to take coercive measures against the petitioners pertaining to Case No.1343 of 2023 U/s 107, 116 Cr.P.C. Police Station:- Baghrai District :- Pratapgarh."

3. It has been submitted by the learned counsel for the petitioners that the report has been submitted by the Police without application of mind. It is a violation of letter and circular dated 31.01.2021 issued by the Government of Uttar

Pradesh, Department of Home Affairs that reports be not issued in the printed formats, they should be submitted with the application of mind.

4. This Court is of the opinion that the petitioner has a statutory remedy to approach the Executive Magistrate concerned by filing his representation/reply to the notice.

5. This writ petition is ***disposed of*** with a direction to the Sub-Divisional Magistrate/Executive Magistrate concerned to consider the reply, if any, of the petitioner and also the Circular dated 31.01.2021 passed by the Government of U.P. and then pass a reasoned and speaking order strictly in accordance with law.

Order Date :- 18.10.2023

Darpan Sharma