

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8189 of 2023

Petitioner :- Surya Kumar And Others

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

Counsel for Petitioner :- Dinesh Kumar Ojha

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners, learned A.G.A for the State and perused the record.

2. Under challenge in this petition is the First Information Report dated 03.10.2023, lodged as F.I.R. No.0665 of 2023, under Sections 354 ka and 354 kha of the I.P.C., at P.S. Kotwali City, District Pratapgarh.

3. Learned counsel for the petitioners confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

4. Accordingly, we ***dispose of*** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 19.10.2023

Rahul