

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10417 of 2023

Applicant :- Rajesh Kumar Pandey And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home,
Govt. U.P. Lucknow And Another

Counsel for Applicant :- Vishram Kumar Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State, and perused the material placed on record.

The instant application under Section 482 Cr.P.C has been filed for quashing the entire proceeding in Criminal Case No.2107 of 2013, State Vs. Rajesh Pandey, arising out of Case Crime No.395 of 2023 under Sections 323, 504, 506 I.P.C. Police Station Lambhua, District Sultanpur pending in the Chief Judicial Magistrate, Court No.16, District Sultanpur and summoning order dated 13.3.2023 passed by the Chief Judicial Magistrate, Court No.16, District Sultanpur.

Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The applicants have not committed alleged offence.

On the other hand, learned AGA has submitted that prima facie, the offence is made out against the applicants. It is further submitted that these are disputed questions of fact, which can be adjudicated only after adducing the evidence. He further controverts the submissions of learned counsel for the applicants on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial and, therefore, the application is misconceived and liable to be dismissed.

At this stage, learned counsel for the applicants submits that they do not want to press the application and seek liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.**

Learned A.G.A. has no objection to the prayer made by learned counsel for the applicants.

On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the applicants appear before the trial court within two weeks from today and file bail application, the same shall be decided expeditiously in view of law laid down in the case of Satender Kumar Antil versus Central Bureau of Investigation and another (**supra**).

Further, the applicants will have an opportunity at the appropriate stage to move application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the trial court, the trial court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

The application is **disposed off** accordingly.

Order Date :- 19.10.2023

Ram Murti