

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10439 of 2023

Applicant :- Vijay Kumar Awasthi And 3 Others

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

Counsel for Applicant :- Shyam Mohan Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

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

2. The present application has been filed for quashing the summoning order dated 11.07.2022 passed by learned Chief Judicial Magistrate, Court No.27, Barabanki as well as charge-sheet dated 16.06.2022 and entire proceedings of Session Case No.18328 of 2022 arising out of Case Crime No.130 of 2022 U/s 34, 323, 504, 506 I.P.C., Police Station- Badosarai, District-Barabanki.

3. Learned counsel for the applicants submits that on the basis of incorrect facts, F.I.R. of the case in question was lodged and charge-sheet was filed by Investigating Officer in the most mechanical manner. He further submits that discharge application was filed by applicants, the same was rejected by learned Magistrate vide order dated 01.04.2023. It is further submitted that a Criminal Revision No.67 of 2023 (***Vijay Kumar & others vs. State of U.P. & others***) was filed against order dated 01.04.2023 which is pending before learned Additional District Judge, Court No.1, Barabanki. It is, thus, submitted that indulgence of this Court is required. It is requested that the present application/petition may be disposed of with the direction to learned Additional District Judge, Court No.1, Barabanki for expedite disposal of aforesaid revision.

4. Learned A.G.A. opposes the prayer of applicants and submits that discharge application has been already been rejected and aforesaid revision is pending, hence, defense of applicants cannot be considered at this stage.

5. Considering the submissions of learned counsel for the applicants, learned A.G.A. and going through the contents of application as well as other relevant documents; this Court is of the view that learned Additional District Judge, Court No.1,

Barabanki is hereby directed to decide Crl. Revision No.67 of 2023 (*Vijay Kumar & others vs. State of U.P. & others*) within two months from today.

6. With the above direction, the present application U/s 482 Cr.P.C. is **disposed of**.

7. Till the disposal of aforesaid revision, no coercive steps be taken against the applicants by trial court.

8. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 27.10.2023

Arpan