

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8249 of 2023

Petitioner :- Yogendra Alias Badkan

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

Counsel for Petitioner :- Satish Kumar Sharma, Dileep Kumar Pathak

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Karunesh Singh Pawar, J.

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

2. Under challenge in this petition is the First Information Report dated 23.5.2023, lodged as F.I.R. No.0201 of 2023, under Sections 379, 411 of the I.P.C. and Section 26 of the Indian Forest Act, 1927, Police Station Panchpedwa, District Balrampur.

3. Learned counsel for the petitioner 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

Madhu