

Court No. - 27

Case :- APPLICATION U/S 482 No. - 10619 of 2023

Applicant :- Uttam Kumar Gupta And 4 Others

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

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the applicants, Sri Nirmal Kumar Pandey, the learned A.G.A. for the State and perused record.
2. The present 482 Cr.P.C. application has been filed with a prayer to quash and set aside the impugned cognizance and summoning order dated 21.9.2022 and chargesheet dated 10.10.2021 currently pending in the Court of CJM, Faizabad in CrI. Case No.9864 of 2022 (State. Vs. Vivek Gupta and others.) FIR No.555 of 2021 under Section 147, 323, 504, 506, 325, 427 IPC PS Kotwali Nagar, district Faizabad/Ayodhya contained in Annexure No.1 and 2 to the application.
3. After arguing at some length, counsel for the applicants submits that he does not want to press this petition, however, he submitted that the offence is triable by Magistrate and is of minor nature, therefore, the applicants may be allowed to move a discharge application before the Magistrate through counsel.
4. Without entering into the merits of the case, I hereby grant liberty to the applicants, to move discharge application through counsel before the Magistrate concerned, within a period of three weeks from today. The Magistrate concerned will pass final orders on this application within a period of three weeks thereafter.
5. For a period of six weeks or till the date, the discharge application is decided, whichever is earlier, no coercive action shall be taken against the applicants in respect of the aforesaid case.
6. The Magistrate concerned will ensure to decide the discharge application within three weeks.
7. Application stands **disposed of**.
8. It is made clear, in case the applicants fail to move the discharge application within the time stipulated by this Court or do not cooperate in the proceedings on the date fixed, the benefit granted by this Court will stand cancelled without reference to the Court.

Order Date :- 31.10.2023

Rajneesh JR-PS)