

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10710 of 2023

Applicant :- Hameed Raza

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

Counsel for Applicant :- Vinod Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. In pursuance of earlier order dated 01.11.2023, Shri Saurabh Samant, Circle Officer, Baldirai, Sultanpur is present and informed that investigation of the case in question was conducted by Shri Rajat Ram Chaudhary who has already attained the age of superannuation and also informed that on the basis of statement of witnesses, charge sheet was submitted and now cognizance has already been taken.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. Present application has been moved by the applicant for quashing the summoning order dated 28.06.2022 passed by Special Judge SC/ST(PA) Act, Sultanpur in S.T. No.691 of 2022, F.I.R. No.72 of 2022 under Sections 323, 504, 341 I.P.C. and Section 3(1)da/dha of SC/ST Act, P.S. Haliyapur, District-Sultanpur and charge sheet dated 28.05.2022.

4. Learned counsel for the applicant submitted that the applicant was named in the F.I.R. with the allegation that he passed some caustic words, thereafter, case against the applicant was developed by the Investigating Officer and rest of the accused persons were exonerated, therefore, kind indulgence of this Court is necessary.

5. Learned A.G.A. opposed the prayer of applicant and submitted that after detailed investigation, charge sheet was filed and now the cognizance has been taken by the trial court, thereafter, at this stage, defence of applicant cannot be considered.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, after detailed investigation, charge sheet was filed and now the cognizance has been taken by the trial court on the evidences collected by the Investigating

Officer, therefore, application is misconceived and liable to be dismissed.

7. Accordingly, the application is hereby **dismissed**.

Order Date :- 29.11.2023

V. Sinha