

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10667 of 2023

Applicant :- Jagat Pal Mishra

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

Counsel for Applicant :- Bhanu Pratap Mishra,Shivangi Kapoor

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing the charge sheet dated 23.09.2020 in case crime no.355/2020 under Section 304 I.P.C. and 3(2)(V) of SC/ST Act, P.S. Purakalander, District- Ayodhya as well as entire proceedings of S.T. No.221 of 2020 pending before Special Judge SC/ST Act, Faizabad (Ayodhya).
3. Learned counsel for the applicant submitted that the charge-sheet was filed by the Investigating Officer in the most mechanical manner as no evidence related to the offence under Section 3(2)(V) of SC/ST Act as well as Section 304 of I.P.C. was found by the Investigating Officer. He further submitted that discharge application was also moved by the applicant but the same was rejected by the trial court vide order dated 02.01.2021 without considering the submissions of the applicant and the said order is under challenge under Section 14(A)(2) of SC/ST Act in Criminal Appeal No.95/2021 and during the pendency of the aforesaid appeal, the charges were framed.
4. Learned counsel for the applicant relied on the decision of Hon'ble Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and Anr.** in **Criminal Appeal No.707 of 2020** and submitted that this Court has inherent power to examine the evidences collected by the Investigating Officer during the course of investigation, therefore, kind indulgence of this Court is necessary.
5. Learned A.G.A. opposed the prayer of applicant and submitted that as the discharge application of applicant was rejected by the trial court on 02.01.2021, against the aforesaid order, appeal under Section 14A of SC/ST Act No.95/2021 was filed which is pending, and thereafter, charges have been framed. He further submitted that at this stage, the charge sheet

cannot be challenged, therefore, application is liable to be dismissed.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the discharge application of applicant was rejected by the trial court on 02.01.2021 against the aforesaid order, appeal under Section 14A of SC/ST Act No.95/2021 was filed which is pending, and thereafter, charges have been framed, as charge sheet cannot be challenged at this stage, therefore, I am of the view that the present application is liable to be dismissed.

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

8. However, it is open to the applicant to move application for expedite the disposal of the aforesaid Criminal Appeal No.95/2021.

Order Date :- 1.11.2023

V. Sinha