

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10815 of 2023

Applicant :- Mosim Ahmad Shaikh (In Fir Mushim)

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

Counsel for Applicant :- Dinesh Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State.

Notice to respondent No.2 is dispensed with in view of the proposed order.

The present 482 Cr.P.C. petition has been filed to quash the impugned summoning order dated 18.1.2018 passed by ACJM, Court No.20, Sultanpur in Crl. Case No.480 of 2023 Shyam Sundar versus Gulsher and others arising out of case crime No.247 of 2015 under sections 457, 380, 506 I.P.C., P.S. Lambhua, istrict Sultanpur.

Learned counsel for the petitioner, after arguing the matter at some length, has submitted that he may be permitted to file discharge application. He has also prayed that he may be permitted to surrender and apply for bail before the court below and the same may be decided in view of law laid down in Satender Kumar Antil Vs. Central Bureau of Investigation & Anr, Petition(s) for Special Leave to Appeal (Crl.) No(s).5191/2021.

Learned A.G.A. has no objection to this innocuous prayer of learned counsel for the petitioner.

Accordingly, without entering into merits of the case, the present petition is disposed of permitting the petitioner to surrender before the trial court within fifteen days from today and file bail application, which may be decided expeditiously by the learned trial court in view of law laid down by the Apex Court in Satender Kumar Antil (supra). Till disposal of the bail application, no coercive action shall be taken against the petitioner.

After release on bail, the petitioner is at liberty to file a discharge application. If discharge application is filed, the same shall be decided within a period of two months on

merit from the date of filing of discharge application.

Order Date :- 3.11.2023

kkb/