

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10846 of 2023

Applicant :- Suneel Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And 2 Others

Counsel for Applicant :- Alok Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.
2. In view of the proposed order being passed, notices to respondent Nos.2 and 3 are dispensed with.
3. By way of this petition, the petitioner has prayed for the following relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings of Criminal Case No. 52757 of 2022; State Versus Sani alias Subrat and others, impugned charge-sheet dated- 19.07.2020 filed in Case Crime No. 0182 of 2020, under sections- 147,148,149,504,506,332,353,186,188,269, 270 and 307 1.P.C. and 56 of the Disaster Management Act and 7 Criminal Law Amendment Act, relating to Police Station- Nawabganj, District-Gonda, pending in the Court of learned Chief Judicial Magistrate, Gonda, as well as the impugned summoning order dated-05.12.2022, and the impugned Non- Bailable Warrant Order dated- 06.09.2023, passed by the learned Chief Judicial Magistrate, Gonda, as contained in Annexure nos. 1 and 2 to this petition respectively to this petition so far it relates to the petitioner only, in the interest of law and justice."

4. Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence and its a case of false implication.

5. Perused the record.

6. Perusal of the F.I.R. shows that the F.I.R. has been lodged by Police Constable for violating the conditions of the lock-down and social distancing under Sections

147,148,149,504,506,332,353,186,188,269, 270 and 307 1.P.C. and 56 of the Disaster Management Act and 7 Criminal Law Amendment Act.

7. After investigation, charge-sheet was filed and the learned Chief Judicial Magistrate, Gonda has taken cognizance of the offence on 05.12.2022 there appears to be no illegality in the cognizance order, *prima facie* cognizable case is made out. This is not the rarest of the rare case to interfere in the jurisdiction under Section 482 Cr.P.C. The petition fails and is accordingly ***dismissed***.

8. However, the applicants shall be at liberty to move a regular bail application before the appropriate court which, if filed, shall be decided expeditiously in view of the law laid by Supreme Court in order dated 7.10.2021 passed in Petition for **Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.**

Order Date :- 6.11.2023

Saurabh Yadav/-