

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8576 of 2023

Petitioner :- Sharafat And Others

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Lucknow And Others

Counsel for Petitioner :- Satendra Singh Rana,Vijay Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) Heard learned counsel for the petitioners, learned A.G.A for the State and perused the record.

(2) Under challenge in this petition is the First Information Report dated 31.10.2023 lodged at F.I.R. No.0440 of 2023, under Sections 186, 332, 342, 353, 427, 504, 506 I.P.C. and Section 4/21 Mines Act, 1952 and Section 3/57 U.P. Minor Mineral (Concession) Rules, 1963, as contained in Annexure No.1 at P.S. Kasimpur, District Hardoi.

(3) Learned counsel for the petitioners confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

(4) Accordingly, we ***dispose of*** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 7.11.2023

N.PAL