

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8596 of 2023

Petitioner :- Brijesh Kumar Yadav Alias Brijesh Kumar And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And Others

Counsel for Petitioner :- Mohd. Tariq, Bhanu Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard the learned counsel for the petitioners and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioners for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Mandamus commanding the Opposite party nos.2 & 3 not to harass the petitioners, in any manner, in the interest of justice."

(3) This Court in its order dated 07.11.2023 had directed the learned A.G.A. to seek instructions in the matter.

(4) Learned A.G.A. has produced before this Court, the instructions sent by Shri Tauheed Ahmad, the Sub-Inspector of Police Station Hussainganj, Police Commissionerate, Lucknow, wherein it has been stated that the petitioner was married to the deceased Manju in 2019. Thereafter a daughter was born to them on 07.10.2023 but Manju was seriously ill. As per the version of the petitioners, Manju was taken to Hospital Shyama Prasad Mukherjee, Civil Hospital, Hazratganj, Lucknow, where the doctor declared her brought dead. Her dead body was taken to Bahraich where on an application being made by the deceased's father, Ram Chander @ Pujari, an Inquest Report and Post Mortem Report were prepared. In the said Post Mortem Report, the cause of death could not be ascertained and therefore, viscera was preserved.

(5) The instructions are kept on record.

(6) This petition is **disposed of** with a direction to the State-respondents not to harass the petitioners till such time credible evidence is collected against them.

Order Date :- 30.11.2023

N.PAL