

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11094 of 2023

Applicant :- Shiv Kumar @ Shiv Kumar Jaiswal

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home U.P. Lko. And Another

Counsel for Applicant :- Indu Prakash Singh, Salil Shekhar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

1. Supplementary affidavit filed by learned counsel for applicant today in Court is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.
3. Instant application under Section 482 Cr.P.C has been filed with prayer for quashing of the entire proceedings of the case and summoning and cognizance order dated 17.01.2023 passed by Chief Judicial Magistrate, Gonda and Charge sheet No.01 of 2022, dated 29.08.2022 arising out of Case Crime No.49 of 2022, under Sections 147, 323, 427, 504, 452 I.P.C. at Police Station-Karnailganj, District-Gonda.
4. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the present case with false and frivolous allegations. He further added that the applicant is not involved in committing the alleged offence as has been mentioned in the first information report.
5. At this stage, learned counsel for the applicant submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51**.
6. Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.
7. On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the applicant appears before the trial court within two weeks from today and files bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

8. Further, the applicant will have an opportunity at the appropriate stage to move an application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the learned trial court, the learned trial court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

9. The application is ***disposed of*** accordingly.

Order Date :- 8.11.2023

-Amit K-