

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11231 of 2023

Applicant :- Sunil Chhatwal Alias Sunil Kumar Chhatwal

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

Counsel for Applicant :- Ram Bux Rawat

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Heard learned counsel for the applicant and Sri Ram Bux Rawat, learned A.G.A. for the State as well as perused the record.

2. Instant application under Section 482 Cr.P.C has been filed with prayer for quashing of the entire Criminal proceeding pending against the petitioner in (old complaint case no. 945 of 98) new complaint case no. 5260 of 2009, Range case no. 9/1997-1998, under Section-20, 26D, 61A (U.P. Amendment) Wild Life Protection Act, 1972 (Read with Section-28) 35/51 of the Indian Forest Act, 1980 of Section-2/3A, Range/Police Station-Gauri Fanta, District-Lakhimpur Kheri, as well as impugned summoning order dated 6.5.98 passed by the Learned Chief Judicial Magistrate Lakhimpur Kheri in range case no. 9/97-98, complaint case no. 5260 of 2009, pending in the Court of Learned III Additional Chief Judicial Magistrate, Lakhimpur Kheri.

3. 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.

4. 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**.

5. Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.

6. 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)**.

7. Further, the applicants 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.

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

Order Date :- 9.11.2023

-Amit K-