

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11243 of 2023

Applicant :- Gambhir Singh And 22 Others

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

Counsel for Applicant :- Suneel Kumar Singh Kalhans, Richa Srivastava, Shikha Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the entire proceedings of the Case No.4290 of 2017 arising out of Case Crime No. 2354 of 2017 U/s 147, 148, 323, 504, 506, 332, 333, 353, 336, 341, 427, 307 I.P.C., Section 3/4 of Prevention of Damages to Public Property Act, Section 7 of Criminal Law Amendment Act, Police Station- Malhipur, District- Shrawasti.

3. On 16.11.2023 following order was passed:-

"1. Heard learned counsel for the applicants as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the entire proceedings of the Case No.4290 of 2017 arising out of Case Crime No. 2354 of 2017 U/s 147, 148, 323, 504, 506, 332, 333, 353, 336, 341, 427, 307 I.P.C., Section 3/4 of Prevention of Damages to Public Property Act, Section 7 of Criminal Law Amendment Act, Police Station- Malhipur, District- Shrawasti.

3. Learned counsel for the applicants submits that F.I.R. of the case in question was politically motivated. He further submits that informant of the present case is a police officer and charge-sheet was filed by Investigating Officer in the most mechanical manner. He further submits that vide Government Order/Letter dated 26.07.2021, it was decided to withdraw the persecution case against the applicants. He further submits that vide letter dated 07.08.2021, District Magistrate, Shrawasti made a request to District Government Counsel (Crl.), Shrawasti for moving application U/s 321 Cr.P.C. in pursuance of Government Order dated 26.07.2021 but learned trial court is unable to decide the aforesaid application and issued non-bailable warrant.

4. List this case on 21.11.2023 at 11:30 a.m.

5. Principal Secretary, Department of law is directed to ensure the

production of record of Letter No.11WC/सात-न्याय-5-2021-272WC/2020 dated 26.07.2021 before this Court on the next date of listing.

6. Office is directed to communicate this order to concerned authority, forthwith."

4. The relevant record related to the aforesaid letter dated 26.07.2021 is placed by learned A.G.A. before this Court; the same is hereby handed over to him.

5. At this stage, learned counsel for the applicants requests that the present application may be disposed of with the liberty to move appropriate bail/anticipatory bail application at the appropriate stage.

6. Learned A.G.A. has no objection on the above request.

7. In view of above, the present application U/s 482 Cr.P.C. is **disposed of** with the direction that in case, any bail/anticipatory bail application is moved by applicants before trial court within 30 days from today then the same shall be considered and decided in accordance with law laid down by Hon'ble Apex Court in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No.5191 of 2021)***.

8. For a period of 30 days from today or till the applicants apply for bail/anticipatory bail, whichever is earlier, no coercive action be taken against the applicants in the aforesaid case.

9. It is open to applicants to move bail application either U/s 438 or 439 Cr.P.C within 30 days from today.

Order Date :- 30.11.2023

Arpan