

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8714 of 2023

Petitioner :- Savindra Prajapati

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Others

Counsel for Petitioner :- Jagroopan Nishad

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.

This petition has been filed praying the following reliefs:-

(a) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned first information dated 28.10.2023, vide case crime no. 1151 of 2023 under Section 419, 420, 467, 468, 471, 120-B I.P.C. and Section 6/10 of the U.P. Public Examination (Prevention of Unfair Means) Act 1998, lodged at Police Station- Kotwali Nagar, District-Barabanki as contained in Annexure-1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite party not to harass, detain or prosecute the petitioner in pursuance of the impugned F.I.R.

It has been submitted by the learned counsel for the petitioner that as per prosecution story during the conduct of written examination of PET 2023 on 28.10.2023 at the examination centre one Dheeraj Kumar, S/o Nandan Singh was apprehended posing as Savindra Prajapati i.e. the petitioner and giving examination in place of the petitioner.

It has been submitted that the petitioner belongs to U.P. and Dheeraj belong to Bihar. There is no connection with the co-accused- Dheeraj for forging documents and allow the co-accused to appear in the examination as impostor.

Learned A.G.A. has produced the instruction sent by Sub Inspector Neejamuddin, Police Station- Kotwali Nagar, District-Barabanki wherein it has been stated that the co-accused Dheeraj has named the petitioner being involved in the

engagement of Dheeraj Kumar to sit in the examination in place of the petitioner. There was also an exchange of monetary benefit.

The instructions are kept on record.

The Court having perused the impugned F.I.R. finds no ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 17.11.2023

Anuj Singh