

Court No. - 12

Case :- APPLICATION U/S 483 No. - 733 of 2023

Applicant :- Kamal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko.
And Others

Counsel for Applicant :- Rishabh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicants for seeking a direction to Judicial Magistrate-I, District- Gonda to decide the objection filed by the applicants in charge sheet in Case Crime No.127/2023 under Sections 323, 504, 506 I.P.C., P.S. Paraspur, District- Gonda
3. Learned counsel for the applicants submitted that the charge sheet was submitted by the Investigating Officer on 10.08.2023 and cognizance was taken by the trial court but till today, summons have not been issued to the accused persons. He further submitted that as the Presiding Officer is on maternity leave since 10.08.2023, as a result, Court is not functioning, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicants and submitted that applicants are having remedy of moving application before the concerned Chief Judicial Magistrate, therefore, present application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the record that the cognizance was taken place on the charge sheet dated 10.08.2023 but summons have not been issued, therefore, the present application is **disposed of** with a direction to Chief Judicial Magistrate, Gonda that in case, any application is filed by the applicants for issuance of summons, the same shall be considered and decided in accordance with law within a period of four weeks from the date of submission of the application.

Order Date :- 16.11.2023

V. Sinha