

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8741 of 2023

Petitioner :- Sushil Verma

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Civil Sectt. Lko And Others

Counsel for Petitioner :- Santosh Kr. Yadav
Warsi, Pradeep Kumar Yadav, Rama Nand Yadav

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

(1) Heard the learned counsel for the petitioner and the learned A.G.A. who appears for the Opposite party nos.1, 2 & 3.

(2) This Court had passed an order on 09.11.2023 which is being quoted hereinbelow:-

"1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"i. Issue a writ, order or direction in the nature of the certiorari thereby quashing the impugned First information Case crime No.0400/2023 dated 13.09.2023 got lodged by the opposite party no.4 at P.S. Sarojini Nagar, District-Lucknow South implicating the petitioner U/S- 323, 307, 504 & 506 IPC (Contained as Annexure No.1) in so far it relates to the petitioner.

ii. Issue a writ, order or direction in the nature of the mandamus thereby directing the concerned respondent not to arrest the petitioner pursuant to the impugned FIR."

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the impugned F.I.R. and Section 307 of the I.P.C. has been also falsely implicated. There is no serious injury.

4. Learned A.G.A. for the State Respondents has pointed out that the injury report/medical examination report has not been annexed by the petitioner. He may be given time seek instructions from the concerned Police Station.

5. List this case on 30.11.2023 as fresh."

(3) Learned A.G.A. has produced before this Court the

instructions sent by Shri Brijbhan Singh, the Sub-Inspector of Police Station Sarojini Nagar, District Lucknow, including Case Diary which is the injury report of the victim. From the Medical Examination Report of the Ajay Maurya son of Devnath Maurya, it appears that there is a laceration on the occipital bone of 2.5 x 1.5 cms. from ear fragus, also there is swelling on the right knee and abrasion on the right leg. For injury no.1 a reference of the patient has been made to Civil Hospital, Lucknow, for expert opinion.

(4) The instructions alongwith copy of Case Diary are kept on record.

(5) This Court finds that the only argument raised in this case by the learned counsel for the petitioner is that Section 307 of the I.P.C. has been wrongly invoked. Such an argument can be dealt with by the Trial Court after evaluation of evidence and Examination of Medical Experts.

(6) This Court finds no good ground to show interference in the matter.

(7) The writ petition stands ***dismissed.***

Order Date :- 30.11.2023
N.PAL