

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8752 of 2023

Petitioner :- Ram Khelawan

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko And Ors.

Counsel for Petitioner :- Ramendra Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

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:-

"(a) To issue a writ, order or direction in the nature of writ of mandamus commanding the opposite parties no. 1 to 3 to conduct fair and proper investigation of the case noted at First Information Report lodged by opposite party no. 4 in First Information Report no. 420/2023, U/S- 279,337,338 I.P.C., P.S. Biswan, District- Sitapur as contained in Annexure no. 1 to this writ petition.

(b) To issue a writ order or direction in the nature of writ of Mandamus commanding the opposite parties to direct to not surrender the petitioner's vehicle truck no. UP 32 CZ 1796 in pursuance of First Information Report lodged by opposite party no. 4 in First Information Report no. 420/2023, U/S- 279,337,338 I.P.C., P.S. Biswan, District- Sitapur as contained in Annexure no. 1 to this writ petition."

3. It has been submitted by the learned counsel for the petitioner that the petitioner is the owner of the alleged vehicle Truck No. UP 32 CZ 1796. It has been alleged in the impugned F.I.R. that the petitioner's truck was loaded with food grains crashed with the motorcycle no. UP 31 AB 0768

(TVS Apache) of the informant's brother, namely, Monu Tiwari in the way of Biswan. The alleged incident was taken place on 27.09.2023, however, the F.I.R. was lodged on 22.10.2023 after 25 days of the incident.

4. It has also been submitted that the petitioner's vehicle on 27.09.2023 had delivered food grains to the fair price shops of vendors Ayub, Vishal Rastogi, Rajesh Kumar, Imran in the village of Karnai which does not lie in the way of village Biswan and the petitioner has apprehension that the investigation is not being fairly conducted.

5. The writ petition is ***disposed of*** with a direction to the Investigating Officer concerned to strictly follow Paragraph-107 of the Uttar Pradesh Police Regulations while conducting the investigation.

Order Date :- 9.11.2023
Darpan Sharma