

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8755 of 2023

Petitioner :- Prashant Kumar Dwivedi

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

Counsel for Petitioner :- Sumit Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner, learned A.G.A for the State and Sri Vijay Kumar, Advocate, who has filed power on behalf of the private respondent.

2. Under challenge in this petition is the First Information Report dated 05.11.2023, lodged as F.I.R. No.0192 of 2023, under Sections 323, 504, 506 of the I.P.C. & Section 3(1)(Da), 3(1)(Dha), 3(2) (va) of S.C./S.T. Act, at P.S. Maheshganj, District Pratapgarh.

3. Learned counsel for the petitioner confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

4. Accordingly, we ***dispose of*** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Order Date :- 9.11.2023

Rahul