

Court No. - 13

Case :- CRIMINAL MISC. WRIT PETITION No. - 9346 of 2023

Petitioner :- Rakesh Kumar @ Rakesh Verma And 3 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And 4 Others

Counsel for Petitioner :- Anil Kumar Sharma

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for petitioners as well as learned Additional Government Advocate for State.

The present writ petition has been filed to quash the impugned order dated 12.04.2023 passed by the opposite party no.-2 i.e.. Learned District & Sessions Judge, Sitapur, bearing criminal revision No. - 58/2022, "Shyamlal and Others Versus State of U.P.", by which the Criminal Revision filed by the petitioners has been rejected and impugned order dated 23.03.2022 passed by the opposite party no.- 3 i.e. Learned Judicial Magistrate, Ilnd, Sitapur, Case No.- 5254/2021" Vijay Kumar Versus Shyamlal" by which the application for discharge of accused has been rejected, and quash the entire criminal proceedings of the Complaint Case No.- 5254/2021, Vijay Kumar Versus Shyam Lal and others, under section 147, 148, 392, 504, 506 IPC, Police Station- Sadarpur, District- Sitapur, lodged by the opposite party no. 5 as contained in ANNEXURE No. 1, 2 & 4 to this writ petition.

Learned counsel for petitioners, after arguing for some time, submits that present petition may be dismissed as not pressed with liberty to file a bail application which may be decided in view of law laid down by Supreme Court in "**Satender Kumar Antil versus Central Bureau of Investigation and another, Special Leave to Appeal (Cri)No.5191 of 2021**" to which learned A.G.A. has no objection.

In view of the above, prayer for quashing the impugned proceeding is refused. So far as other prayer is concerned, it is provided that in case the petitioners namely **Rakesh Kumar @ Rakesh Verma, Munna, Shyam Kishor @ Santee and Smt. Tara Devi**, appear before the trial court within three weeks from today and apply for bail, the same shall be decided expeditiously, in view of the law laid down by Supreme Court in Satender Kumar Antil's case (supra).

The petition is **disposed of** accordingly.

Order Date :- 11.12.2023/R.C.