

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11335 of 2023

Applicant :- Indra Kumar Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home, Lucknow And Another

Counsel for Applicant :- Pramod Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Supplementary affidavit filed in the Court today is taken on record.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

By means of instant application under Section 482 Cr.P.C., the applicant has prayed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the order dated 17.05.2023 passed by the Special Judge (E.C. Act)/TV Additional Sessions Judge, Raebareli in criminal Revision No. 258 of 2022 "Indra Kumar Verma Versus State of U.P. and another" by which learned revisional Court has rejected the revision, order dated 15.09.2021 passed by the Judicial Magistrate-II Room No. 19, Raebareli along with entire proceeding of Complaint No. 4984 of 2021 "Som Prakash Agarwal Versus Indra Kumar Verma" pending before Judicial Magistrate-II Room No. 19, Raebareli and also quash the order dated 25.10.2023 passed by Judicial Magistrate-II Room No. 19, Raebareli by issuing Non-bailable warrant against the petitioner, as contained in Annexure No. 1, 2 & 3 respectively to this petition."

After arguing the matter at some length, learned counsel for the applicant has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.

It is further prayed that liberty may also be given to the applicant to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in ***Petition for Special Leave to Appeal (Cri) No.5191 of 2021; Satender Kumar Antil versus Central Bureau of Investigation and another.***

Learned AGA has no objection to the prayer made by learned counsel for the applicants.

As prayed, liberty is granted to the applicant to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

As far as prayer made by learned counsel for the applicant to grant liberty to the applicant to file bail application and the same may be decided in view of law laid down in the case of ***Satender Kumar Antil versus Central Bureau of Investigation and another (supra)***, liberty is given to the applicant to move bail application before the trial court and the same shall be decided in view of law laid down in the case of ***Satender Kumar Antil versus Central Bureau of Investigation and another (supra)***.

With the aforesaid observations, the present petition is disposed of.

Order Date :- 18.11.2023

Arun/-