

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8839 of 2023

Petitioner :- Pritam Kumar Srivastava And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Govt. U.P. Lucknow And Others

Counsel for Petitioner :- Chandra Prakash Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This Court had passed the order dated dated 18.11.2023, which is quoted hereinbelow:-

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

(2) This petition has been filed by the petitioners for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Certiorari thereby quash the impugned First Information Report dated 08.09.2022 bearing F.I.R. / Case Crime No.163/2022, under Sections 409, 467, 468, 471, 120-B I.P.C. and Section 7/13 of the Prevention of Corruption Act, 1988, P.S. Rehra Bazar, District Balrampur, lodged by the Opposite party no.4 contained in Annexure No.1 to this writ petition."

(3) Learned A.G.A. has pointed out that the F.I.R. is old and was lodged on 08.09.2022.

(4) He may be given time to seek instructions with regard to the current status of investigation.

(5) List this matter on 05.12.2023, as fresh, to enable the learned A.G.A. to seek instructions with regard to the current status of the investigation."

Learned A.G.A. has produced before this Court instructions dated 02.12.2023 sent by Sri Dharm Raj, Sub Inspector, P.S. Rehra, District Balrampur, wherein it has been stated that investigation is still going on. The statement of several witnesses including Sri Shiv Shankar Tiwari, Junior Engineer, has been recorded. During the course of investigation, it has come out that underground Sewer Pipeline had to be laid and Kharanja Marg had to be laid by the petitioner no.2 with the help of the petitioner no.1, who was the Gram Panchayat Adhikari at the relevant point of time. There were several irregularities found in the said construction. As a result whereof, the enquiry was instituted. The report has been prepared and is being sent to the Superintendent of Police Balrampur, to forward the same to the Joint Director, Prosecution, Balrampur with regard to the Sections to be invoked for the offence committed.

This petition is ***disposed of*** with a direction to the petitioners to cooperate in the investigation and also with the liberty to the petitioners to approach the Court concerned in case charge sheet is filed against them.

Till submission of police report under Section 173(2) Cr.P.C., the petitioners shall not be arrested in pursuance of the impugned F.I.R. dated 08.09.2022 relating to Case Crime No.0163 of 2022 under Sections 409, 467, 468, 471 and 120-B of the Indian Penal Code and Section 7/13 of the Prevention of Corruption Act, 1988, P.S. Rehra Bajar, District Balrampur.

Order Date :- 5.12.2023
Rahul