

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11508 of 2023

Applicant :- Mustakeem

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

Counsel for Applicant :- Rajiv Kumar Bajpai, Brijesh Kumar Singh, Indu Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicant, learned Government Advocate for the State of U.P. and perused the record.

The instant application under Section 482 Cr.P.C. has been preferred for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the charge sheet dated 17/07/2009 in Gangster Case No. 100/2012, arising out of Case Crime No. 335/2008 (State Vs Israr & others), U/S 2/3(1) U.P. Gangster Act against the accused/applicant in the interest of justice.

It is further prayed that this Hon 'ble Court may be pleased to stay the entire criminal proceeding of Gangster Case No. 100/2012, arising out of Case Crime No. 335/2008 (State Vs. Israr & others), U/S 2/3(1) U.P. Gangster Act against the accused/applicant in the interest of justice."

The sole ground seeking the prayer sought in the present application is based upon the judgment of acquittal passed in the case based upon which the applicant was implicated in the case in issue and taking note of the same, on being confronted, learned counsel for the applicant-Sri Ram Achal Gupta, Advocate holding brief of Sri Rajiv Kumar Bajpai, after arguing at some length says that after taking note of the fact that the applicant has been acquitted in the predicate offence and the period of pendency of the case the present application be disposed of finally with a direction to trial court to conclude the proceedings expeditiously and in this view of the matter the justice would suffice.

The prayer aforesaid has not been opposed.

Considering the aforesaid including the period of pendency of the case and that the applicant has already been acquitted in the case based upon which the gangster Act was invoked, the present application is disposed of with direction to trial court to conclude the proceedings in issue, most expeditiously, without granting any unnecessary adjournment to the parties.

With the aforesaid, the instant application under Section 482 Cr.P.C. is ***disposed of.***

Order Date :- 18.12.2023

Vinay/-