

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11420 of 2023

Applicant :- Sunil Chhatwal @ Sunil Kumar Chhatwal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 2 Others

Counsel for Applicant :- Ram Bux Rawat

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

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

By means of this 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 allow this application u/s 482 Cr.P.C. and quash the entire Criminal proceeding pending against the petitioner in (old complaint case no. 2650 of 1999) new complaint case no. 5491/2009, Range case no. 7/1999-2000, U/S-20, 26D, 61A (U.P. Amendment) Wild Life Protection Act, 1972 (Read with Section-28), 35/51 of the Indian Forest Act, 1980 of Section-2/3A Rang/Police Station-Gauri Fanta, District Lakhimpur Kheri. State versus Raja Ram & others, as well as impugned summoning order dated 3.7.99 passed by the Learned Chief Judicial Magistrate Lakhimpur Kheri in rang case no. 7/99-2000, complaint case no. 2650/99, pending in the Court of Learned 3rd Additional Chief Judicial Magistrate, Lakhimpur Kheri. Contained as ANNEXURE No. 2 to this application U/S- 482 Cr.P.C."

In the APPLICATION U/S 482 No. 11183 of 2023 (Sunil Chhatwal Alias Sunil Kumar Chhatwal vs. State of U.P. Thru. Prin. Secy. Home Deptt. U.P. Lucknow And 2 Others), this Court after considering the case against the present applicant namely Sunil Chhatwal Alias Sunil Kumar Chhatwal related to Complaint Case No.5826/2009, Range Case No.2/1997-1998, under Sections 20, 26D, 61A Wild Life Protection Act & Section 35/51 of the Indian Forest Act, 1927 Range/Police Station-Gauri Fanta, District-Lakhimpur Kheri, passed the following order:-

"1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with following prayer:-

"To quash the entire Criminal proceeding pending against the petitioner in complaint case no. 5826/2009, Range case no. 2/1997-1998, U/S- 20, 26D, 61A

Wild Life Protection Act & Section-35/51 of the Indian Forest Act, 1927 Rang/Police Station-Gauri Fanta, District-Lakhimpur Kheri. State versus Sri Ram Gupta & others, as well as impugned summoning order dated 6.5.98 passed by the Learned Chief Judicial Magistrate Lakhimpur Kheri in rang case no. 2/98-98m, complaint case no. 5826/2009, pending in the Court of Learned 3rd Additional Chief Judicial Magistrate, Lakhimpur Kheri."

3. After arguing the matter up to some length, learned counsel for the applicant submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicant may be permitted to move discharge application through counsel and suitable directions may be issued for expeditious disposal of the same.

4. Learned A.G.A. has no objection in grant of aforesaid prayer.

5. In view of above, it is provided that applicant is permitted to move his discharge application(s) through counsel within four weeks' from today and in case any such application(s) is/are being filed, same shall be heard and decided expeditiously after hearing the parties, in accordance with law, by means of a reasoned and speaking order.

6. Till the aforesaid period of four weeks' and during pendency of discharge application, no coercive steps shall be taken against the applicant in the aforesaid case.

7. In case of failure on the part of applicant in moving the discharge application(s) within the aforesaid period, he will not be entitled to the benefit of this order.

8. With above directions, this application stands disposed of. "

After arguing at some length, learned counsel for the applicant submitted that the applicant is on bail and he may be permitted to move discharge application before the court concerned.

To the aforesaid, there is no objection.

Accordingly, the instant application is **disposed of** with liberty to the applicant to prefer an application for discharge before the Court concerned, which shall be considered and decided by the trial Court expeditiously, in accordance with law, by means of reasoned and speaking order.

With the aforesaid, the instant application is **disposed of finally**.

Order Date :- 22.11.2023

Arun/-