

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11441 of 2023

Applicant :- Sufil

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

Counsel for Applicant :- Kailash Nath

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the summoning order dated 30.06.2021 as well as charge-sheet dated 11.04.2021 U/s 60, 60-A of Excise Act, Section 420, 467, 468, 471 I.P.C., Police Station- Reusa, District- Sitapur pending in the court of learned Additional Chief Judicial Magistrate, (J.D.)-I, Sitapur arising out of Case Crime No.44 of 2021.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the present case merely on the basis of confessional statement of the co-accused persons. He further submits that the premises in question was rented to the main accused for running a fertilizer shop by way of agreement dated 01.01.2021, thereafter, it came into notice of applicant that one F.I.R. was lodged by S.H.O., namely, Satyendra Kumar Rai after making recovery of liquor from the said premises and charge-sheet was submitted by Investigating Officer in the most mechanical manner without investigating this fact that applicant is residing in Bombay and running his business. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of applicant and submits that the rent agreement was executed on 01.01.2021 and raid was conducted by Station House Officer concerned on 24.01.2021, by which, huge amount of illegal liquor along with other articles was recovered. He further submits that accused persons, in their statement, has categorically stated that share of the profit was also given to applicant/landlord. It is, thus, submitted that all these defense related to plea of alibi can be considered at the stage of trial, hence, the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the

applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is undisputed fact that the premises in question belongs to applicant and as per the confessional statement of accused persons, it was found by the Investigating Officer that profit in the business of illegal liquor was also received by applicant. In such circumstances, plea of alibi can be considered during the course of trial, therefore, no interference of this Court is required.

6. In view of above, the present application U/s 482 Cr.P.C. is **dismissed**.

Order Date :- 22.11.2023

Arpan