

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9089 of 2023

Petitioner :- Akhilesh Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home Sectt. Lko And 7 Others

Counsel for Petitioner :- Anup Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard the learned counsel for the petitioner and the learned A.G.A. who appears on behalf of the State.

2. This petition has been filed by the petitioner with the following main prayer:-

"a) Issue an order, direction or writ in the nature of mandamus commanding the opposite party no.2/ District Magistrate, District- Amethi to consider and take appropriate decision on the representation of the petitioner (made by his elder brother) dated 07.11.2023 contained as Annexure No.1 to this writ petition and he may direct to the opposite party no.4/ Chief Medical Officer, District- Amethi to conduct re-medical examination by way of Panel of Medical Doctors of District Hospital, Amethi in regard to the grievous injuries received by petitioner's younger brother Akhilesh Singh in the incident dated 27.10.2023 committed by private persons."

3. It has been submitted by learned counsel for the petitioner that the petitioner has suffered grievous injuries. Copies of medical report prepared at C.T. Scan Centre on 31.10.2023, filed at Page-20-23 of the paper book, shows that head injury has been caused and there is also a fracture of the occipital bone in midline. However, in the medico-legal examination of the petitioner, no such injury has been mentioned. Hence this petition.

4. Learned A.G.A. has produced before this Court instructions dated 28.11.2023 sent by Sri Narendra Pratap Singh, Sub Inspector, Police Station Gauriganj, District Amethi, wherein it has been stated that a Non-Cognizable Report No.96 of 2023 under Sections 323, 504 of the I.P.C. was

initially lodged on the basis of the information given by the petitioner's wife Namita Singh. A medico-legal examination was also conducted by the Medical Officer of a State-run Hospital. Now a second report has been submitted this time by the petitioner from a private hospital.

5. This Court having gone through the instructions and also the initial F.I.R. as well as other pleadings on record, is of the opinion that the matter can be resolved by the Court concerned.

6. This petition is finally ***disposed of*** with a direction to the petitioner to approach the Magistrate concerned under Section 156 (3) Cr.P.C., who shall look into the matter and ensure that justice is done to the Complainant/ Informant.

Order Date :- 29.11.2023

Rahul