

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9062 of 2023

Petitioner :- Akash Verma And Another

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home, Lucknow And Others

Counsel for Petitioner :- Manoj Kumar Dixit, Badrus Sahar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

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

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

"1) Issue a writ, order or direction in the nature of Mandamus directing the Opposite party nos.2 & 3 to arrest the petitioners in pursuance of impugned First Information Report No.521 of 2023, dated 01.10.2023 under Sections 336/427 I.P.C. related to Police Station Mandion, District Lucknow, contained in Annexure No.1 to this writ petition."

Learned A.G.A. has produced before this Court the instructions sent by the Sub-Inspector/ Investigating Officer of Police Station Mandiyaon, District Lucknow, encloses the copies statements taken of various persons including two of the main accused. It appears that one Ramu Das Kanaujia wanted police security and had engaged the petitioner to throw crude bombs and pelt stones on his house at night so that he could get police security on the basis of such incidents saying his life is being threatened. The petitioners performed such act at the behest of Ramu Das Kanaujia and thereafter they were partying at night at some place. During the course of partying they were bragging about the incident and a video was made which was put on Instagram and thereafter it became viral. It has also informed by the learned A.G.A. that charge sheet have been filed in the court concerned but in so far as the petitioners are concerned no charge sheet has been submitted.

Learned counsel for the petitioners has produced the order dated 11.10.2023 passed in CRIMINAL MISC. WRIT PETITION No. - 7870 of 2023 (Shubham Alias Rahul

Kashyap Vs. State Of U.P. And Others), where this Court has granted benefit of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

Therefore, this Writ Petition is disposed of with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273*** in case the investigation has not still been completed in so far as petitioners are concerned.

Order Date :- 7.12.2023

Anuj Singh