

Court No. - 13

Case :- CRIMINAL APPEAL No. - 3413 of 2023

Appellant :- Asif

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Appellant :- Rahul Agnihotri

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for appellant as well as learned Additional Government Advocate for State.

Notices to respondent no. 2 are dispensed with in view of the proposed order.

The present appeal has been filed for setting aside the impugned summoning order dated 16-08-2023, passed by Learned Special Judge (SC/ST) Act, Lakhimpur-Kheri, summoning the appellant U/S U/S 341, 504, 506, 354 Ɔ IPC & 3(2)5A, 3 (1) W(1) SC/ST Act vide Special Session Case No. 260/2023, Crime No. 192/2023, Police Station -Phool Behad, District Lakhimpur-Kheri and also quash the impugned Charge Sheet No.193/2023 dated 07-06-2023 submitted against the appellant, U/S U/S 341, 504, 506, 354 Ɔ 1.PC & 3(2)SA, 3 (1) W(1) SC/ST Act vide Special Session Case No. 260/2023, Crime No. 192/2023, Police Station -Phool Behad, District Lakhimpur-Kheri.

Learned counsel for appellant, after arguing for some time, submits that the present appeal may be dismissed as not pressed with liberty to file a bail application which may be decided in view of law laid down by Supreme Court in "**Satender Kumar Antil versus Central Bureau of Investigation and another, Special Leave to Appeal (Cri)No.5191 of 2021**" to which learned A.G.A. has no objection.

In view of the above, prayer for quashing the impugned proceeding is refused. So far as other prayer is concerned, it is provided that in case the appellant appears before the trial court within 15 days from today and applies for bail, the same shall be decided expeditiously, in view of the law laid down by Supreme Court in **Satender Kumar Antil's case (supra)**.

The appeal is **disposed of** accordingly.

Order Date :- 7.12.2023/R.C.