

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9247 of 2023

Petitioner :- Ms. X Victim Of Case Crime No. 228/2023

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

Counsel for Petitioner :- Sagar Singh, Shri Ram Maurya

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 for the Opposite party nos.1, 2 & 3.

(2) This petition has been filed by the petitioner for the following main prayer:-

"1) Issue a writ, order or direction in the nature of Mandamus commanding the Opposite party no.1 to transfer the investigation of Case Crime No.228/2023, under Sections 376, 323, 504, 506 I.P.C. at Police Station Asiwan, District Unnao, to CBI, CBCID or any other independent agency for proper and fair investigation."

(3) It has been submitted by the learned counsel for the petitioner that she is a victim of repeated sexual assault by the accused, Opposite party no.5 but in the F.I.R. that was registered at the police station concerned, the name of the Opposite party no.5 was not mentioned deliberately although on the application made by the victim-petitioner on 27.10.2023 to the Superintendent of Police, Unnao, a copy of which has been filed as Annexure No.4 to the petition, the petitioner has named the Opposite party no.5 also. The Superintendent of Police, Unnao, had forwarded the said Complaint / Application to the S.H.O. Asiwan, District Unnao, to take necessary action on the same day that is on 27.10.2023.

(4) Learned A.G.A. has produced before this Court the instructions to say that the name of the Opposite party no.5 was not initially mentioned by the petitioner-victim but she mentioned the name in her statement under Section 164 Cr.P.C. and his name has now been added

as an accused in the F.I.R. during the course of investigation.

(5) This petition is **disposed of** with a direction to the petitioner to approach the Court concerned under Section 319 if necessary at appropriate stage.

Order Date :- 6.12.2023

N.PAL