

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11859 of 2023

Applicant :- Shiv Prasad Pandey And 2 Others

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

Counsel for Applicant :- Aniket Srivastav, Satish Chandra Kashish

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.
2. The present petition under Section 482 Cr.P.C has been filed by the applicant with the following prayer:

"विपक्षी संख्या-2 द्वारा विपक्षी संख्या-1 के समक्ष अंकित कराई गई प्रथम सूचना रिपोर्ट, मुकदमा अपराध संख्या 217 वर्ष 2023 पर विवेचना अधिकारी द्वारा सरसरी तौर पर बिना तथ्यों साक्ष्यों एवं कथित घटना के आधार पर प्रार्थीगण के विरुद्ध सक्षम अवर न्यायालय, न्यायालय सिविल जज जूनियर डिवीजन/एफ टी सी/जे एम नवीन गोंडा के न्यायालय में प्रस्तुत आरोप पत्र आरोप पत्र संख्या-1 दिनांक 23 जुलाई 2023 अंतर्गत धारा 323, 504, 506, 427 एवं धारा 325 के आरोप एवं आरोप पत्र के क्रम में सक्षम अवर न्यायालय/न्यायालय सिविल जज जूनियर डिवीजन/एफ टी सी/जे एम नवीन गोंडा द्वारा लिए गए प्रश्नगत प्रसंज्ञान आदेश द्वारा याचीगण के विरुद्ध जारी सम्मन आदेश दिनांकित 02.9.2023 एवं उक्त तिथि के उपरांत जारी समस्त आदेश को माननीय न्यायालय में आहूत कर उसे विखंडित करने की कृपा करें। अन्य आदेश व निर्देश जो माननीय न्यायालय परिस्थितियों के अनुरूप प्रार्थीगण के पक्ष में यथोचित प्रतीत करें। वह भी पारित करने की कृपा करें।"

3. After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.
4. It is further prayed that liberty may also be given to the applicants to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in Petition for **Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.**
5. Learned AGA has no objection to the prayer made by learned counsel for the applicants.
6. As prayed, liberty is granted to the applicants to move discharge application before the court below and the same shall be decided

expeditiously in accordance with law.

7. As far as prayer made by learned counsel for the applicants to grant liberty to the applicant to file bail application and the same may be decided in in view of law laid down in the case of **Satender Kumar Antil (supra)**, liberty is given to the applicants to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil (supra)**.

8. With the aforesaid observations, the present petition is disposed of.

Order Date :- 6.12.2023

Mohit Singh