

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9295 of 2023

Petitioner :- Kaptan Singh Yadav

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

Counsel for Petitioner :- Jamal Ahamad Khan, Aakil Khan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioner, learned A.G.A for the State and perused the record.

2. Under challenge in this petition is the First Information Report dated 23.11.2023, lodged as F.I.R. No.0647 of 2023, under Sections 147, 342, 323, 504 and 506 of the I.P.C., at P.S. Sushant Golf City, District Lucknow.

3. Learned counsel for the petitioner confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

4. Accordingly, we ***dispose of*** this petition 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.***

Order Date :- 7.12.2023

Rahul