Court No. - 11

Case :- APPLICATION U/S 482 No. - 11931 of 2023
Applicant :- Suresh Kumar Gupta And Another
Opposite Party :- The State Of U.P. Thru. The Prin. Secy. Home, Lko. And Another
Counsel for Applicant :- Arvind Kumar Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.

The present petition under Section 482 Cr.P.C has been filed by the applicants with the prayer to quash/set-aside the charge sheet dated 14.04.2023 arising out of Case Crime No. 61/2023, under Sections 323, 325, 504, 506 IPC and Section 3(1)(da)(dha) SC/ST Act, Police Station Sirsiya, District Shrawasti as well as summoning order dated 11.07.2023 passed by Additional Sessions Judge/Special Judge, SC/ST Act, Shrawasti in Sessions Trial No. 256/2023 (State Versus Suresh Kumar Gupta & Another) and further to stay the proceedings in pursuance of charge sheet dated 14.04.2023 and summoning order dated 11.07.2023.

After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicants for moving a discharge application before the court below and the same may be decided expeditiously.

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***.

Learned AGA has no objection to the prayer made by learned counsel for the applicants.

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.

As far as prayer made by learned counsel for the applicants to grant liberty to the applicants to file bail application and the same may be decided in in view of law laid down in the case of ***Satender Kumar Antil versus Central Bureau of Investigation and another (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 versus Central Bureau of Investigation and another (supra)***.

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

Order Date :- 8.12.2023
Arun/-

Digitally signed by :-
ARUN KUMAR GANGWAR
High Court of Judicature at Allahabad,
Lucknow Bench