

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11926 of 2023

Applicant :- Paras Nath And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Dpett. Govt. U.P. Lucknow And Another

Counsel for Applicant :- Bajrang Bahadur Singh

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 inter alia praying for the following main relief:-

"Wherefore, it is most humbly and respectfully prayed that the Hon'ble Court may kindly be pleased to Quash/set-aside the entire proceedings of Crl. Case No. 10442/2023 (State Versus Parasnath and others) arising out of impugned charge-sheet dated 26.02.2023 filed by the investigating officer in Case Crime No. 0015/2023, Under Section-323, 504, 506 & 308 I.P.C. pertaining to Police Station-Akhandnagar, District-Sultanpur as well as cognizance/summoning order dated 08.06.2023 passed by the court of learned Additional Civil Judge (Senior Division)-I/Additional Chief Judicial Magistrate, Sultanpur by which the applicants/petitioners have been summoned for facing of trial under the aforesaid sections, as contained in Annexure No. 2 & 3 respectively to this petition, in the interest of justice."

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.

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/-