

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12012 of 2023

Applicant :- Akhtar Khan And Another

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And 2 Others

Counsel for Applicant :- Arun Kumar Tripathi, Amit Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, learned AGA for the State of U.P. and perused the record.

The instant application 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 impugned framing of charge order dated 09.12.2022 passed by the court of learned Additional District & Sessions Judge, Room No. 3 in Sessions Trial No. 1464/2022 (State Versus Akhtar Khan and another) relating to Case Crime No. 0258/2020, Under Sections-323, 504, 506, 308, 34 & 325 I.P.C. pertaining to Police Station-Chanda, District-Sultanpur, as contained in Annexure No. 7 to this petition, in the interest of justice, otherwise petitioners will suffer irreparable loss and injury, which cannot be compensated at all."

The impugned order dated 09.12.2022, passed by Additional District & Sessions Judge, Room No. 3, Sultanpur in Sessions Trial No. 1464/2022 (State vs. Akhtar Khan and another) relating to Case Crime No. 0258/2020, under Sections- 323, 504, 506, 308, 34 & 325 I.P.C., Police Station- Chanda, District- Sultanpur, whereby, the charges have been framed under Sections 323, 504, 506, 308, 34 & 325 IPC, has been assailed by the accused-applicants on the sole ground, which is to the effect that in view of the nature of injuries sustained by the injured, the offence as indicated under Section 308 IPC is not attracted against the applicants and as regards the rest of the offences indicated in the impugned order, there is no quarrel.

Considering the aforesaid as also the law laid down by the Hon'ble Apex Court relating to framing of charges in the judgment passed in the case of **P. Kartikalakshmi vs. Sri Ganesh and another** reported in **(2017) 3 SCC 347**, this Court is not inclined to entertain the instant application under Section 482 Cr.P.C. It is accordingly **dismissed**. Costs made easy.

Order Date :- 11.12.2023

Arun/-