

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9404 of 2023

Petitioner :- Bindunath Shukla Alias Chhotkau

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And Others

Counsel for Petitioner :- Ubhai Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner and learned AGA for State-respondents.
2. The present writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the first information report dated 03.11.2023 at Case Crime No.0355 of 2023 under Sections 354, 504, 506 IPC at Police Station Kaudiya, District Gonda and with a further prayer to stay the arrest of the petitioner.
3. It has been submitted by learned counsel for the petitioners that all the offences that are now being invoked against the petitioner carry sentence of upto 7 years of imprisonment. Therefore, he is entitled for benefit of judgment rendered by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273.
4. Learned A.G.A. has produced before this Court instructions sent by Sub-Inspector Shri Ram Prasad Bhargava, police station Kaudiya, District Gonda dated 12.12.2023 and the same is taken on record.
5. Learned AGA on the basis of instructions states that investigation has been concluded and a **Charge Sheet No. A/2023/2022 dated 15.11.2023** was prepared by the Investigating Officer and forwarded to the Circle Officer, Colonelganj, District Gonda against the petitioner- **Bindunath Shukla Alias Chhotkau** for onward transmission to Court concerned.
6. Since the charge sheet has been prepared by the Investigating Officer, it is presumed that sufficient evidence has been collected and filed with the charge sheet before the trial

Court for its evaluation, therefore, this Court feels it to be inappropriate to interfere at this stage.

7. This writ petition is **dismissed** with liberty to the petitioners to approach the competent Court for raising their challenge to the charge sheet.

Order Date :- 12.12.2023

Arnima