Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9459 of 2023

Petitioner :- Chhail Bihari
Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, U.P. Lucknow And Others
Counsel for Petitioner :- Arvind Kumar Tiwari,Ashutosh Chaurasia
Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.
Hon'ble Narendra Kumar Johari,J.

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

Under challenge in this petition is the First Information Report dated 31.10.2023, lodged at F.I.R./Case Crime No.544 of 2023, under Sections 3/7 of the Essential Commodities Act, at PS. -Bhinga, District -Shrawasti.

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

Accordingly, we **dispose of** this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.PC. 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 :- 14.12.2023

Anuj Singh

Digitally signed by :-
ANUJ PRATAP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench