

Court No. - 10

Case :- HABEAS CORPUS WRIT PETITION No. - 389 of 2023

Petitioner :- Akash Verma Thru. His Uncle Dharmendra Kumar Verma

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lko. And Others

Counsel for Petitioner :- Letter Petition

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

(1) This petition has been filed as a Letter Petition by Shri Dharmendra Kumar Verma, alleging that his nephew Akash Verma son of Shri Shyam Kumar Verma, has been illegally detained by the police on 08.12.2023.

(2) Learned A.G.A. has produced before this Court a copy of instructions sent by Shri Anjesh Singh, the Inspector/Investigating Officer of Police Station Kotwali Nagar, District Barabanki, wherein it has been stated that Case Crime No.1253 of 2023, under Section 420 I.P.C. and Section 66C, 66D of the Information Technology Act, was registered at Police Station Kotwali Nagar, District Barabanki, on the request of one Abu Sahma Ansari, after investigation the names of Ankit Tripathi, Keertan Adapala, Anand Kumar Singh, Shah Hasan and Raman Pratap Singh came into light and they were arrested on 03.12.2023.

(3) One I.G.R.S. complaint was made by Nijamuddin son of Sabit Ali, on 04.12.2023 and during investigation the name of Akash Verma came to light. The allegation was that rupees one crore twenty three lacs were transferred by committing fraud in which the petitioner's nephew was also involved. The petitioner's nephew Akash Verma, was arrested on 11.12.2023.

(4) During investigation it has also come that the petitioner's nephew Akash Verma, is an accused in Case Crime No.189 of 2019, under Section 507 I.P.C. and Section 66 I.T. Act and Section 3 (1) Da, Dha of S.C./S.T. Act and also in Case Crime No.22 of 2021, under Sections 420, 467, 468, 471, 411, 201 I.P.C. and Case

Crime No.369 of 2023, under Sections 352, 504, 506 I.P.C.

(5) The instructions are kept on record alongwith copy of the Bank Statement and copy of the F.I.R.

(6) On examination of the Case Diary including a copy of the F.I.R. that has been lodged against the unknown accused, this Court has found that the allegation of the informant is that in between 18.11.2023 to 20.11.2023 Rs.1,23,14,276/- were withdrawn from his account in ICICI Bank, Branch Naka Satrikh.

(7) This Court has seen the statement of account of Akash Verma and finds that there is no such transaction of huge amount of money in his statement of account. This Court is *prima facie* of the opinion that if Rs.1 crore and odd would have been withdrawn, then the huge sums of money would have been shown in the account of Akash Verma. Since he has been arrested and sent by orders of the Court in judicial custody, we cannot in limited jurisdiction exercised by us, take into account the evidence that has been produced to implicate Akash Verma by the Inspector concerned.

(8) Hence, this Court is not interfering in the matter as this is only a Habeas Corpus Petition.

(9) The writ petition stands ***disposed of***.

Order Date :- 13.12.2023
N.PAL