

**Court No. - 10**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 9493 of 2023

**Petitioner :-** Rahul Jain And Another

**Respondent :-** State Of U.P. Thru. Chief Secy. Home Civil Sectr. Lko. And Others

**Counsel for Petitioner :-** Upendra Prakash Pathak

**Counsel for Respondent :-** G.A.

**Hon'ble Mrs. Sangeeta Chandra,J.**

**Hon'ble Narendra Kumar Johari,J.**

Heard learned counsel for the petitioners and learned A.G.A for the State-respondents.

Learned counsel for the petitioners states that all the offences that are now being invoked against the petitioners 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.

Learned AGA has produced before this Court instructions sent by Sub Inspector Avdhesh Kumar Tripathi, police station Fatehpur, District Barabanki dated 14.12.2023 and the same is taken on record. In the said instructions it has been stated that victim Abdurrahim was medically examined by Medical Officer, C.H.C. at Fatehpur on 08.12.2023 and the report shows four injuries sustained by the victim which were caused by hard and blunt object and were simple in nature except one injury which was referred to Radiologist at District Hospital, Barabanki and because of this injury the victim was rendered unconscious.

Accordingly, we **dispose of** this petition with the direction to the police authorities / Investigating Officer concerned to follow the mandate of Section 41A Cr.P.C. 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 :-** 15.12.2023

Arnima