

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12352 of 2023

Applicant :- Arman Khan And Others

Opposite Party :- State Of U.P. Thru. Its Secy. Home,
Lucknow And Another

Counsel for Applicant :- Dr. Pooja Singh, Abhishek
Yadav, Surya Prakash Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.
2. This application under Section 482 Cr.P.C. has been filed for quashing the entire proceedings of Crl. Case No.13005/2023 arising out of Case Crime No.358/2018 under Sections 147, 148, 332, 153A, 295A, 504, 506 I.P.C. and Section 7 of C.L.A. Act, P.S. Katra Bazar, District- Gonda pending before C.J.M.-II, Gonda.
3. Learned counsel for the applicants submitted that the applicants were not named in the F.I.R. and first charge sheet was prepared on 23.04.2022, in which, name of applicant no.1, 2, 9 and 11 were shown, thereafter, supplementary charge-sheet was submitted on 12.03.2023, in which, rest of the applicants were named. He further submitted that as per the prosecution case, only in the photographs, their position was that they were standing at some places. He further submitted that none of the applicants were present in the photographs submitted by the Investigating Officer and merely on the basis of averment that after interrogation of others, their involvement was found, as such, no evidence was found against the applicants for the offences, in which, charge sheet was submitted, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that if there is no evidence then it is appropriate to file discharge application.
5. In view of above, the applicant is **disposed of**. Applicants are permitted to move their discharge application(s) through counsel within four weeks' from today and in case any such application(s) are being filed, same shall be heard and decided expeditiously after hearing the parties, in accordance with law, by means of a reasoned and speaking order.

6. Till the aforesaid period of four weeks' and during pendency of discharge application, no coercive steps shall be taken against the applicants in the aforesaid case.

7. In case of failure on the part of applicants in moving the discharge application(s) within the aforesaid period, they will not be entitled to the benefit of this order.

Order Date :- 18.12.2023

V. Sinha