Court No. - 11

Case :- APPLICATION U/S 482 No. - 12336 of 2023

Applicant :- Mohammad Talib
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And Another
Counsel for Applicant :- Bhuvan Dwivedi,Anuj Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

The present petition under Section 482 Cr.P.C has been filed by the applicant with the prayer to quash/set-aside the summoning order dated 13.09.2022 passed by Judicial Magistrate-III, Lucknow in Criminal Case No. 107548 of 2022 arising out of Case Crime No. 0057/2022, under Sections 147, 323, 308, 325 IPC, Police Station Alambagh, District Lucknow and charge sheet dated 06.04.2022.

After arguing at some length, learned counsel for the applicant has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.

It is further prayed that liberty may also be given to the applicant to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in ***Petition for Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another***.

Learned AGA has no objection to the prayer made by learned counsel for the applicant.

As prayed, liberty is granted to the applicant to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

As far as prayer made by learned counsel for the applicant to grant liberty to the applicant to file bail application and the same may be decided in in view of law laid down in the case of ***Satender Kumar Antil versus Central Bureau of Investigation and another (supra)***, liberty is given to the applicant to move bail application before the trial court and the same shall be decided in view of law laid down in the case of ***Satender Kumar Antil versus Central Bureau of Investigation and another (supra)***.

With the aforesaid observations, the present petition is ***disposed of***.

Order Date :- 18.12.2023
Arun/-

Digitally signed by :-
ARUN KUMAR GANGWAR
High Court of Judicature at Allahabad,
Lucknow Bench