

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12415 of 2023

Applicant :- Lal Chandra Mishra

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home
U.P. Lko. And Another

Counsel for Applicant :- Pradeep Singh Somvanshi, Ram
Naresh Singh

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 record.

2. Present application has been moved by the applicants for quashing the summoning order dated 20.02.1996 passed by A.C.J.M., Court No.29, Lucknow and charge sheet dated 10.12.1995 in Case Crime No.546/1995 under Section 420 I.P.C. as well as entire proceedings of Criminal Case No.2908760/2013.

3. Learned counsel for the applicant submitted that the applicant was not aware about the pendency of the case before the trial court. He further submitted that the applicant went to KGMU for the treatment of his father and some hot exchanges were taken place between the doctor and applicant, thereafter, on the basis of incorrect facts, F.I.R. of case in question was lodged by the informant who was attendant of one patient, as a result, applicant was taken into custody on the spot and sent to jail, thereafter, he was enlarged on bail but he was not aware about the pendency of the case in question and when he received a phone call from the concerned police station then he came to know that the charge sheet has been submitted by the Investigating Officer against him and the case is pending before the trial court. He further submitted that the F.I.R. of case in question was lodged on 08.12.1995 and charge sheet was submitted on 10.12.1995, thereafter, cognizance order was passed on 20.02.1996 and non-bailable warrant was issued in the year of 2007, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of applicant and submitted that it is admitted by the applicant itself that he was taken into custody from the spot on the complaint made by the informant that he was claiming himself to be a doctor and motivating patients for getting treatment in his private clinic.

He further submitted that after detailed investigation, charge sheet was submitted and it cannot be said that the applicant was unaware about the pendency of the case before the trial court. He further submitted that after 28 years, summoning order cannot be interfered with by this Court as the applicant is avoiding the proceeding of the trial court.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is an admitted case of the applicant the he was taken into custody on 08.12.1995 on the complaint of the informant that he was claiming himself to be a doctor and motivating the patients for getting treatment in his private clinic, as the F.I.R. of case in question was lodged against the applicant and after recording the statement of the informant as well as other witnesses, charge sheet was submitted, therefore, it cannot be said that the applicant was unaware of the pendency of the present case, in such circumstances, I am of the view that the present application is liable to be rejected.

6. Accordingly, the application is hereby **dismissed**.

Order Date :- 20.12.2023

V. Sinha