

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12407 of 2023

Applicant :- Tej Kumar And 3 Others

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

Counsel for Applicant :- Sushil Kumar Yadav, Anand Kanaujia

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.
2. The present petition under Section 482 Cr.P.C has been filed by the applicant with the prayer to quash/set-aside the impugned summoning orders dated 11.10.2023 and 20.11.2023 passed by learned Chief Judicial Magistrate, Sultanpur as well as set aside the entire proceedings of Case No. 9562 of 2023 (State v. Sitaram and others) arising out of Case Crime No. 84 of 2023 under Section 323, 504, 506, 308 IPC, Police Station- Musafirkhana District- Sultanpur pending before Chief Judicial Magistrate, Sultanpur.
3. After arguing at some length, learned counsel for the applicants 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.
4. 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.**
5. Learned AGA has no objection to the prayer made by learned counsel for the applicants.
6. 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.
7. 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 view of law laid down in the case of **Satender Kumar Antil (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 (supra)**.
8. With the aforesaid observations, the present petition is disposed of.

Order Date :- 19.12.2023

Mohit Singh/-