

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9666 of 2023

Petitioner :- Dinesh Yadav Alias Dinesh And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Others

Counsel for Petitioner :- Mayank Pandey, Ravi Kant

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the **petitioner** and learned A.G.A. for the State and perused the record.

Under challenge in this petition is the First Information Report dated 4.12.2023, lodged at F.I.R./Case Crime No.386 of 2023, under Sections 147, 148, 308, 323, 452, 504, 506 IPC, at PS.-Rajeshultanpur, District -Ambedkar Nagar.

Learned counsel for the petitioners confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A, Cr.PC. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment, therefore, the petitioners are entitled to get benefit of directions issued by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.***

It has been submitted by the learned counsel for the petitioners that two of the accused have already been arrested by the police even though they should have issued notice under Section 41- A of the Cr.P.C. before making such arrest.

This Court has perused the injury report filed as Annexure-2 to the writ petition, which appears that at least two lacerated wound one of which is stitched wound over the parietal region/ scalp of the injured. This Court also finds that there are three other injuries caused by hard and blunt object.

This Court finds no good ground to show interference.

The writ petition is, accordingly, **dismissed**.

Order Date :- 20.12.2023

Anuj Singh