

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12608 of 2023

Applicant :- Shiv Kumar Tiwari Alias Puni Pandit

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

Counsel for Applicant :- Avinash 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 for the following main relief:-

"For the facts, reasons and circumstances as stated in the accompanying affidavit it is most respectfully prayed that this Hon'ble Court may kindly be pleased to set aside/quash the Charge sheet No. 52/2016 dated 29.4.2016 and summoning order dated 27.6.2016 in Criminal Case No. 2313/2016 Crime No. 0368/2015 under section 143/341/283/353/186/504 I.P.C. and 7 Criminal Law Amendment Act, P.S. Tarun, District Faizabad/ Ayodhya "State Vs. Santosh Dubey and others" pending before the court of A.C.J.M.-II, Faizabad/ Ayodhya as contained in Annexure No. 1 and 2 to the affidavit.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the proceeding of Criminal Case No. 2313/2016 Crime No. 0368/2015 under section 143/341/283/353/186/504 I.P.C. and 7 Criminal Law Amendment Act, P.S. Tarun, District Faizabad/ Ayodhya "State Vs. Santosh Dubey and others" pending before the court of A.C.J.M. -II, Faizabad/ Ayodhya, as contained in Annexure No. I to the affidavit, during pendency of the petition."

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 applicants to file bail application and the same may be decided 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 :- 22.12.2023

Vinay/-