

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12720 of 2023

Applicant :- Veerendra Kumar

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

Counsel for Applicant :- Sanjay Prakash Tiwari, Rashmi Singh

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 following prayer:-

"To quash the Charge Sheet dated 31/10/2020 vide charge sheet No.1, under section 3/4 Of Prevention of Damage to Public Property Act, 1984 Police Station- Mankapur District-Gonda submitted by the investigating officer against the petitioner in the court of Learned Additional Chief Judicial Magistrate (Junior Division)/Judicial Magistrate, Gonda, in case crime no. 0377 of 2020, under section 3/4 Of Prevention of Damage to Public Property Act, 1984 State Versus Veerendra Kumar and to stay the operation and implementation of the cognizance Order dated 01/04/2021, passed by the court of Learned Additional Chief Judicial Magistrate (Junior Division)/Judicial Magistrate, Gonda, in case crime no. 0377 of 2020, under section 3/4 Of Prevention of Damage to Public Property Act, 1984, State Versus Veerendra Kumar during the pendency of this 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 applicants.

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 :- 22.12.2023

Vipul