

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9784 of 2023

Petitioner :- Ram Sagar And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Home, U.P. Lucknow And Others

Counsel for Petitioner :- Piyush Shrivastava

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Learned counsel for the petitioners at the outset says that there is a typographical error in the description of the opposite party No.3, the police station concerned is "Bijnaur" but it has been wrongly typed as police station "Vibhuti Khand, Lucknow".

2. He is allowed to make necessary incorporation during the course of the day.

3. Heard learned counsel for the petitioners, learned A.G.A for the State and perused the record.

4. Under challenge in this petition is the First Information Report dated 12.11.2023, lodged as F.I.R. No.0272 of 2023, under Sections 420, 506 of the I.P.C., at P.S. Bijnaur, District Lucknow.

5. Learned counsel for the petitioners confines his prayer for issuing direction to the police authorities to follow the mandate of Section 41A Cr.P.C. for the reason that the offences mentioned in the impugned First Information Report carry the sentence of upto 7 years of imprisonment.

6. Accordingly, we dispose of this petition with the direction to the police authorities concerned to follow the mandate of Section 41A Cr.P.C. and also the directions issued by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.**

Order Date :- 22.12.2023

Saurabh Yadav/-