

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9833 of 2023

Petitioner :- Raghav Ram (As Per Fir Raghav Ram Tiwari)

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

Counsel for Petitioner :- Rajesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

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

2. Under challenge in this writ petition is the First Information Report dated 12.12.2023, lodged as F.I.R. No.0393 of 2023, under Sections - 3/7 Essential Commodities Act, 1955, P.S.- Kaudiya, District- Gonda.

4. Learned counsel for the petitioner states that all the offences that are now being invoked against the petitioner carry sentence of upto 7 years of imprisonment. Therefore, he is entitled for benefit of judgment rendered by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273.**

4. 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

Arnima