

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9814 of 2023

Petitioner :- Rizwan Banjara And Others

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

Counsel for Petitioner :- Kailash Nath Mishra,Rahul Mishra

Counsel for Respondent :- G.A.,Pooja Devi

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioners, learned A.G.A for the State, Ms. Pooja Tiwari, learned counsel for opposite party No.4 and perused the record.

2. Under challenge in this petition is the First Information Report dated 07.12.2023, lodged as F.I.R. No.399 of 2023, under Sections 419, 420, 406 of the I.P.C., at P.S. Kotwali Nagar, District Balrampur.

3. 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.

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

Saurabh Yadav/-