

A.F.R.

Neutral Citation No. - 2024:AHC:99834

Court No. - 85

Case :- MATTERS UNDER ARTICLE 227 No. - 9451 of 2023

Petitioner :- Indu Awasthi @ Sarvendra Awasthi And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mahesh Pandey, Narendra Kumar Singh, Santosh Kumar Pandey

Counsel for Respondent:- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. Heard Sri U.K. Saxena, Senior Advocate assisted by Sri S.K. Pandey, learned counsel for the petitioners and learned Additional Government Advocate appearing for the State-respondent.

2. By way of present petition under Article 227 of the Constitution of India, the petitioners have made a prayer to issue an order / direction to stay the effect and operation of the impugned order dated 29.08.2023 passed by Judicial Magistrate, Hawali, Farrukhabad whereby the application in Case Crime No.111 of 2021 under Section 306 IPC, P.S. Kotwali Fatehgarh, District Farrukhabad bearing Case No.04 of 2023 (State Vs. Gunjan Awasthi and others) for further investigation, under Section 156 (3) Cr.P.C. read with Section 173 (8) Cr.P.C. moved by the petitioners was rejected. Further prayer has been made that the Investigating Agency be directed by order / direction to make further investigation under Section 173 (8) Cr.P.C. in the case mentioned herein-above.

3. It is submitted by learned counsel for the petitioners that on an application under section 156 (3) Cr.P.C. moved by the informant Rachna Singh being Criminal Misc. Case No.139/12/2021, the learned Special Judge (D.A.A.) / III Addl. Session Judge, Farrukhabad passed an order dated 25.8.2021 directing the Station Officer, Police Station Kotwali, Farrukhabad to register a criminal case under relevant sections on the aforesaid application and in compliance of the said order of the court, an F.I.R. as case crime no.111 of 2021 under Section 306 IPC was registered against seven named persons and one unknown person

including the present petitioners at Police Station Kotwali - Farrukhabad, District Farrukhabad.

4. It is further submitted that after investigation, the police submitted charge-sheet dated 12.4.2021 under section 306 IPC against six accused persons including the present petitioners and the investigation was continued against one of the accused persons Amit Shukla.

5. It is further urged that Crl. Misc. Writ Petition No.10539 of 2022 was preferred by the present petitioners before this Court with a prayer to command the respondents / Investigating Officer to make further investigation under section 173 (8) Cr.P.C. in the above mentioned case crime number wherein this Court, after examining and determining the question involved therein, came to the conclusion that to pass direction for further investigation in this matter was not required and the relief was declined to the petitioners, but however the petitioners were left on liberty to pursue their remedy before the Magistrate if necessary ingredients for invoking such jurisdiction is shown to exist in the matter, vide order dated 10.8.2022.

6. Another submission is that before the Court of Magistrate concerned, an application under Section 156 (3) read with 173 (8) Cr.P.C. was moved praying for further investigation in Case No.1108 of 2021, which was rejected by the Magistrate vide order dated 29.8.2023.

7. It is further submitted by the learned counsel for the petitioners that meanwhile the cognizance order of the Magistrate dated 11.6.2021 after submission of charge-sheet into the matter, was also challenged before the Sessions Judge, Farrukhabad by way of Criminal Revision No.70 of 2021 by the present petitioners, but after hearing, the same was dismissed by the Sessions Judge, Farrukhabad vide order dated 5.10.2021.

8. Advancing his argument the learned counsel for the petitioners vehemently submitted that from the perusal of application under section 156 (3) Cr.P.C. moved by the informant Smt. Rachna Singh, prima facie no offence was made out against the present petitioners under section 306 IPC and surprisingly after lodging of the F.I.R., no investigation was made on the point of abetment or instigation on the part of the petitioners to the deceased, which led him to commit suicide and charge-sheet was submitted in haste by the Investigating Officer without ascertaining the fact that prima facie the ingredients to

establish an offence under section 306 IPC were absolutely not existing against the present petitioners and that is why the petitioners were compelled to move an application under section 173 (8) Cr.P.C. for further investigation into the matter to find out whether any act of abetment or instigation by the petitioners to the deceased was made out and prima facie evidence in this connection was available to the Investigating Officer or not, but the learned Magistrate did not appreciate the contentions raised by the petitioners and in an illegal manner and without considering the applicability of relevant laws on the point, rejected the said application of the petitioners which again compelled the petitioners to move present petition before this Court.

9. Another limb of argument put forth before this Court by the learned counsel for the petitioners is that the impugned order is illegal, perverse and erroneous both on fact and law. This is the matter which certainly requires superintending authority and command of the High Court to be acted upon.

10. Per contra, learned A.G.A. opposed the prayer made in the petition and it has been vehemently argued that the power to further investigate into the matter after submission of police report under section 173 (2) Cr.P.C. lies with the investigating agency under section 173 (8) Cr.P.C. and the permission of the court is not required in all cases.

11. Before adverting to the rival submissions made by the learned counsel for the parties, apt would be to determine as to what is the actual scope of the provisions of section 173 (8) Cr.P.C.

12. It is provided under section 173 (8) Cr.P.C. that -

"Section 173 (8) - Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)."

13. The police report submitted to the Court under section 173 (2) Cr.P.C. is, in fact, a bundle of facts and evidence, which is collected by

the Probe agency during investigation. The concluding remark of the I.O. of the case on the basis of the collection of relevant facts and evidence may be termed as police report filed under section 173 (2) Cr.P.C. whether it supports the F.I.R. version or not. Normally if it supports the prosecution version given in the F.I.R., it is called a charge-sheet in popular terms and if not, it is taken as a final report or closure report although, interestingly both the words i.e. charge-sheet and final / closure report have not been used under any provision of Cr.P.C. The court, which is competent to take cognizance upon the police report under section 190 (1) (b) of Cr.P.C., takes the police report as a base whereupon it takes cognizance of the case and proceeds with the case for further action.

14. The question which arises in the case in hand takes the case one step further to the submission of the charge-sheet and drives the Court into the sphere of further investigation, which means an investigation, which is prayed for after the police report under section 173 (2) Cr.P.C. has already been submitted, but not a re-investigation into the case.

15. Since the learned State counsel has specifically mentioned that the order for further investigation could not be passed by the Court where the police report under section 173 (2) Cr.P.C. was submitted and it was the prerogative of the Investigating Agency to make further investigation into the matter or not, he was intending to submit that the learned Magistrate made no mistake in rejecting the application for further investigation at the instance of accused persons / present petitioners as they were not entitled to move any application for further investigation into the matter before the court. Learned State counsel in this way tried to restrict the power of the court, which could be invoked under section 173 (8) Cr.P.C. and at the same time the liberty of the accused to move an application with the prayer for the same has also been put to question. The matter certainly requires consideration.

16. In **Babubhai vs. State of Gujarat and others**, 2010 AIR SCW 5126, Hon'ble the Apex Court had an occasion to look into the scope of further investigation and it was so held that -

"The Scheme of investigation, particularly, Section 173 (8), provides for further investigation and not of re- investigation. Therefore, if the Court, comes to the conclusion that the investigation has been done in a manner with an object of helping a party, the Court may direct for

further investigation and ordinarily not for re-investigation. The expression "ordinarily" means normally and it is used where there can be an exception. Thus, in the exceptional circumstances, the Court in order to prevent the miscarriage of criminal justice, if considers necessary, it may direct for investigation de novo wherein the case presents exceptional circumstances."

17. Further, in **State Through Central Bureau of Investigation Vs. Hemendhra Reddy & Another, Etc., 2023 SCC Online SC 515** (Criminal Appeal Nos.1300 - 1302 of 2023, decided on April 28, 2023) examining the scope of power of the Court and investigating agency in respect of a matter relating to further investigation and also power of Court to take cognizance on a charge-sheet submitted by the Probe agency as an outcome of further investigation after once submission of final report into the matter, it was held that even after the final report is laid before the Magistrate and is accepted, it is permissible for the investigating agency to carry out further investigation in the case. There is no bar against conducting further investigation under Section 173(8) of the CrPC after the final report submitted under Section 173(2) of the CrPC has been accepted. Prior to carrying out further investigation under Section 173(8) of the CrPC it is not necessary that the order accepting the final report should be reviewed, recalled or quashed. Though the order passed by the Magistrate accepting a final report under Section 173 is a judicial order, there is no requirement for recalling, reviewing or quashing the said order for carrying out further investigation under Section 173(8) of the CrPC. There is nothing in the CrPC to suggest that the court is obliged to hear the accused while considering an application for further investigation under Section 173(8) of the CrPC. Mere fact that there may be further delay in concluding the trial should not stand in the way of further investigation if that would help the court in arriving at the truth and do real and substantial and effective justice.

18. It was further clarified that further investigation is merely a continuation of the earlier investigation, hence it cannot be said that the accused are being subjected to investigation twice over. Investigation cannot be put at par with prosecution and punishment so as to fall within the ambit of Clause (2) of Article 20 of the Constitution. The plea of double jeopardy would, therefore, not be applicable to further investigation.

19. A rider was provided on the power of police to carry further investigation in **Vinay Tyagi vs. Irshad Ali alias Deepak and Others reported in (2013) 5 SCC 762** wherein it was cautioned that a police officer can carry on further investigation even after a report under section 173 (2) of the Cr.P.C. is submitted, in view of section 173 (8) of the Cr.P.C., but only rider being that the police should seek formal permission from the Court.

20. The same view was earlier expressed in **Ram Lal Narang vs. State (Delhi Admn.), AIR 1979 SC 1791** wherein it was observed that further investigation is not altogether ruled out merely because cognizance has been taken by the court. When defective investigation comes to light during course of trial, it may be cured by further investigation, if circumstances so permitted. It would ordinarily be desirable and all the more so in this case, that the police should inform the court and seek formal permission to make further investigation when fresh facts come to light.

21. The controversy involved in the matter in hand at this juncture leads the Court to some factual aspect of the matter. In the present case, F.I.R. was lodged by the order of the Court of Special Judge (D.A.A.) / III Additional Session Judge, Farrukhabad vide order dated 25.8.2021 on an application moved by the informant Rachna Singh under section 156 (3) Cr.P.C. In the said application it was alleged that Gunjan Awasthi son of Indu Awasthi made a telephonic call to Mangal Singh, husband of the informant, and told him to come to his house whereupon he along with his friend Deepu went to the house of Gunjan Awasthi. The aforesaid Deepu was returned back by Gunjan Awasthi and some other persons including a servant and his elder brother Gaurav Awasthi and subsequently her husband Mangal Singh was bitterly assaulted after being tied up with a chair and when Raj Pratap Singh, the friend of her husband reached there on call, her husband was again assaulted before him as well, who anyhow rescued and informed the informant about the incident. On intimation given by the informant to the police, the police reached the house of Gunjan Awasthi and her husband was released, who was kept confined wrongfully in the house of Gunjan Awasthi for many hours and they also looted about Rs. 6000/- from her husband and also threatened him for life. After the said incident, her husband was threatened and pressurized illegally by the accused persons and he

was also harassed and subjected to cruelty physically and mentally both by them and subsequently he committed suicide on 16.3.2021.

22. After lodging of the F.I.R. at case crime no.111 of 2021 under section 306 IPC against a total number of 8 persons (six named, one unknown and one servant of accused Gunjan Awasthi) based upon an application under section 156 (3) Cr.P.C. moved by Smt. Rachna Singh, investigation started, which culminated into charge-sheet under section 306 IPC against the aforesaid accused persons except the absconding accused Amit Shukla against whom the investigation was kept pending and cognizance of the case was taken by the court and in the said charge-sheet, it was also mentioned by the I.O. that on the basis of same facts, another F.I.R. as case crime no.745 of 2021 under sections 395, 342, 306 IPC was also lodged by the same informant in respect of the same incident. In the matter which was initiated on an application under section 156 (3) Cr.P.C. moved by the deceased Mangal Singh himself (in amended manner which was made by Smt. Rachna Singh), F.I.R. was also lodged as case crime no.745 of 2021 under sections 395, 342, 306 IPC and after investigation a final report was submitted into the matter. The I.O. mentioned therein that as an outcome of the investigation, case under section 395, 342 IPC was found to be false and so far as the offence under section 306 IPC is concerned, since a charge-sheet had already been submitted by the police for the said offence earlier in case crime no.111 of 2021, final report no.143 of 2021 dated 14.9.2021 is being submitted.

23. Now the outcome of the entire investigation was that offence under section 306 IPC was prima facie found to be made out against the present petitioners and charge-sheet in respect of the said offence was submitted by the police.

24. The application for further investigation in case crime no.111 of 2021 after submission of charge-sheet was though entertained by the court, but it was rejected by the impugned order dtd. 29.08.2023 passed by Judicial Magistrate, Hawali, Farrukhabad.

25. In the aforesaid application for further investigation, it was alleged that the whole story disclosed in the application under section 156 (3) Cr.P.C. which subsequently was reproduced in the F.I.R. lodged under the order of the court, is false and fabricated and it was alleged that an agreement to sale was executed between the deceased and Amit Shukla,

but when the deceased did not play his role in the agreement, he was pressurized by Amit Shukla for executing the sale deed in his favour, who had already given Rs.6,80,000/- to him on 21.6.2018 and the outstanding amount of Rs.7,50,000/- was to be paid by Amit Shukla, but subsequently Mangal Singh (deceased) refused to execute the sale deed in his favour and committed suicide on 16.3.2021. Subsequent to that, another agreement to sale was executed by Smt. Rachna Singh and Munshi Lal without refunding the money to the tune of Rs.6,80,000/-. During investigation, statement of Sunil Kumar Singh Rathore, advocate and Pawan Singh @ Sonu was recorded by the police and in the application for further investigation, it was alleged by accused Indu Awasthi @ Sarvendra Awasthi that Advocate Sunil Kumar Singh Rathore was involved in criminal activities and extorting money from many persons. He also tried to extort amount for a sum of Rs.80 lakh and F.I.R. was lodged in that case and charge-sheet was also submitted against the petitioner Indu Awasthi. He was also said to be an eyewitness of the incident which happened with the husband of the informant, but still he filed his vakalatnama on behalf of the complainant on 17.8.2021. It was further alleged that Pawan Singh, who is junior advocate of Sunil Kumar Singh Rathore, was also an eyewitness of the incident.

26. The further investigation was prayed for on the ground that Sunil Kumar Singh Rathore was in inimical terms with the petitioner and he tried to grab money from him by lodging false and frivolous F.I.R with the help of the informant Smt. Rachna Singh and he also used his status of advocacy in pressurizing the investigating agency for submitting the charge-sheet against the petitioner and other persons. It is further mentioned in the said application for further investigation that in an application u/s 482 Cr.P.C. registered as Application No.614 of 2022 (Indu Awasthi @ Sarvendra Awasthi vs. State of U.P. and others), an order was passed by the High Court in favour of the applicant Indu Awasthi on 16.4.2022 and during the course of hearing, both the parties consented for mediation and accordingly order was also passed by this Court, but however mentioning that the complainant of the case was not interested to participate in the mediation proceedings, the application for settlement of dispute filed by the applicant Indu Awasthi was rejected by the Magistrate concerned. Punitive process were issued by the Magistrate Court concerned against the applicant Indu Awasthi

and a complaint was also made against Sunil Kumar Singh Rathore, advocate. The further investigation was prayed for mentioning the aforesaid facts and also highlighting this fact that only two witnesses were interrogated by the I.O. namely Sunil Kumar Singh Rathore and Pawan Solanki, who were the men of the informant Rachna Singh. The police / I.O. falsely implicated the applicant Indu Singh in the said case for taking Rs.20 lakh for compromise in the case. This is the said application which was rejected by the Court of Judicial Magistrate, Hawali, Farrukhabad by the impugned order dtd. 29.08.2023.

27. Referring to the provisions of section 306 IPC it was also alleged in the said application for further investigation that the complete missing of all the essential ingredients to constitute an offence under section 306 IPC was absolutely overlooked by the I.O. of the case.

28. Now coming back to the point which was being discussed above, this Court can safely rely upon a very pertinent and guiding observation made by the Hon'ble Apex Court in **Nirmal Singh Kahlon vs. State of Punjab and Others, (2009) 1 SCC 441** is necessary to be quoted where it was held as under -

"68. An order of further investigation in terms of Section 173(8) of the Code by the State in exercise of its jurisdiction under Section 36 thereof stands on a different footing. The power of the investigating officer to make further investigation in exercise of its statutory jurisdiction under Section 173(8) of the Code and at the instance of the State having regard to Section 36 thereof read with Section 3 of the Police Act, 1861 should be considered in different contexts. Section 173(8) of the Code is an enabling provision. Only when cognizance of an offence is taken, the learned Magistrate may have some say. But, the restriction imposed by judicial legislation is merely for the purpose of upholding the independence and impartiality of the judiciary. It is one thing to say that the court will have supervisory jurisdiction to ensure a fair investigation, as has been observed by a Bench of this Court in Sakiri Vasu v. State of U.P. [(2008) 2 SCC 409 : (2008) 1 SCC (Cri) 440], correctness whereof is open to question, but it is another thing to say that the investigating officer will have no jurisdiction whatsoever to make any further investigation without the express permission of the Magistrate."

29. In the case in hand Ram Lal Narang (supra) and Vinay Tyagi (supra), it has already been settled that the police has power to conduct further investigation after submission of the charge-sheet, but it should take / seek formal permission from the Court.

30. The legal issue has also been settled in **Sri Bhagwan Samardha Sreepada V. Venkata Vishwandadha Maharaj vs. State of Andhra Pradesh & Others**, AIR 1999 Supreme Court 2332 wherein it was clarified by the Hon'ble Apex Court that -

"Power of the police to conduct further investigation, after laying final report, is recognised under Section 173 (8). Even after the Court took cognizance of any offence on the strength of the police report first submitted, it is open to the police to conduct further investigation. In such situation power of Court to direct police to conduct further investigation cannot have any inhibition. There is nothing in Section 173 (8) to suggest that the Court is obliged to hear the accused before any such direction is made. Casting of any such obligation on the Court would only result in encumbering it with burden of searching for all potential accused to be afforded with the opportunity of being heard."

31. The aforesaid legal dictum promulgated by the Hon'ble Apex Court makes it clear that to hear the accused while making an order for further investigation under section 173 (8) of Cr.P.C. is not required for the Court and at the same time it is also settled that if the police wants to conduct further investigation under section 173 (8) of Cr.P.C. after submission of the police report, it has to take a formal permission from the Court and further investigation is the power of the Court undoubtedly. Now the issue whether further investigation can be done at the instance of the accused, finds its answer on the basis of the aforesaid discussion which negates the power of the accused to knock at the door of the Court to pass an order for performing further investigation into a matter.

32. In **National Multi Commodity Exchange of India Limited Vs. State of Gujarat & another (Special Criminal Application (Quashing) No. 1359 of 2014 decided on 21.04.2015**, his Lordship of Gujarat High Court discussing the law over the subject held like this -

"40. A learned Single Judge of this Court in the case of **Nitinbhai Mangubhai Patel v. State of Gujarat and others reported in 2013 LawSuit(Guj) 1124** had the occasion to consider the issue on hand. I

may quote the relevant observations of the learned Single Judge as under:

Considering section 173 (8) of the CrPC, there cannot be any further investigation at the instance of the accused on the grounds which infact are their defences which are required to be considered at the time of trial and that too after the IO has submitted the charge sheet against the accused having found prima facie case which requires further trial and more particularly on the very grounds the accused submitted the discharge applications which not only came to be rejected by the learned CJM but even the same was confirmed by the learned Sessions Court. Section 173 (8) of the CrPC permits the IO / officer in charge of the police station for further investigation in respect of an offence after report under subsection (2) of section 173 has been forwarded to the Magistrate. Therefore, there cannot be a further investigation as provided under section 173 (8) of the CrPC after a report under subsection (2) of section 173 of CrPC has been forwarded to the Magistrate and that too on the grounds which are the defence of the accused. The powers which are available for further investigation under section 173 (8) of the CrPC would be available only to the IO / officer in charge of the police station."

33. It is pertinent to mention here that in the aforesaid case, further investigation was ordered at the instance of the accused and his Lordship held that the learned revisional court committed material error in not appreciating the scope of further investigation under section 173 (8) of Cr.P.C. that too at the instance of the accused and when the charge-sheet was already filed and even the grounds which were invoked were virtually the defences of the accused.

34. From a co-joint reading of all the legal views discussed here-in-above in the peculiar facts and circumstances of this case, this Court finds itself in a position to draw a conclusoin that an application to conduct further investigation moved by the accused Indu Awasthi was totally misconceived and without any right provided to the accused by law. The case was thoroughly investigated by the I.O. and he also noticed that one earlier application was already moved by the informant alleging the same facts therein and that is why he conducted the investigation of the case in hand accordingly and also mentioned this fact in the charge-sheet. It is also not be incorrect to say that the

grounds on which further investigation was sought for by the accused Indu Awasthi are really the defences of the accused which may be taken by him at any subsequent stage of the trial and in fact the perusal of the application for further investigation indubitably confirms that the accused wants the investigating agency to investigate the case from particular angle which suits the accused and he has also included in his application the allegations against other persons who have not been arrayed as accused by the I.O.

35. Article 227 of the Constitution of India, which embodies power of High Court to have superintendence over all Courts of the State, provides as hereunder.

"227. Power of superintendence over all courts by the High Court - (1) Every High Court shall have superintendence over all courts and tribunals throughout the territories interrelation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provisions, the High Court may--

(a) call for returns from such courts;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision or any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces."

36. The issue as to whether a Criminal Court is armed with the power to order further investigation after submission of the charge-sheet has been well clarified in Vishnubhai Haribhai Malaviya vs. State of Gujarat, (2019) 17 SCC 1 wherein it has been promulgated by the Hon'ble Apex Court that power to make order as to further

investigation is available to Magistrate under Section 156 (3) CrPC even at post-cognizance stage until trial commences i.e. charges are framed. The power can also be exercised suo motu by the Magistrate himself, depending on the facts of each case.

37. In the present petition, further investigation into the matter has been prayed for on two points. Firstly, that the first informant Smt. Rachna Singh was having unfair relations with Sunil Kumar Singh Rathore, advocate, which was protested by the deceased Mangal Singh, but she was not ready to break her relations with him and the second point for further investigation in the present petition is that the deceased Mangal Singh and Pawan Awasthi had borrowed a huge amount of money from several persons for business purpose, but they were not in a position to return it back and they had concealed themselves here and there and were planning to shift in some other district and Pawan Awasthi was shifted as well in another district, but Mangal Singh was harassed by the money lenders from whom he had borrowed a huge amount of money and he died in suspicious circumstances and the present petitioners had no concern with all his affairs. It is notable that so far as the first ground is concerned, it was never mentioned in the original application for further investigation moved by the petitioners / accused themselves and now surprisingly the first ground was introduced in the present petition for the first time before any Court. The second point finds place in the application for further investigation as detailed herein-above, but this Court is of the considered view after considering the facts and circumstances of this case that this is nothing but an attempt on the part of the accused just to create future defence in the case in hand, which is not permissible under law.

38. Hence the present petition under Article 227 of the Constitution of India is liable to be dismissed on all the grounds whether it is legal or factual. The accused / petitioners have no locus standi to move application for further investigation before the Magistrate and in the facts and circumstances of the case, if the Magistrate found that the application was not worth credit and he rejected it accordingly, no legal or factual error was committed by the concerned Magistrate.

39. Considering the entire facts and circumstances of the case, the submissions advanced by learned counsel for the parties and also keeping in view the above stated legal position, there is no such

illegality, perversity or any error of jurisdiction in the impugned order so as to warrant exercise of powers under Article 227 of the Constitution of India by this Court. There is no justification warranting any interference with the impugned order in this petition. Consequently, the present petition is liable to be dismissed.

40. Accordingly, the instant petition under article 227 of the Constitution is hereby dismissed.

Order Date :- 30.5.2024

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