

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 7205 of 2021

Petitioner :- Archana Singh

Respondent :- Special Judge Gangster Act Addl.Session Judge Unnao
And Ors.

Counsel for Petitioner :- Amit Srivastava, Anil Kumar Mishra, Anuradha Singh

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

This case is taken up in the revised list.

No one is present for the petitioner to press this petition.

This petition has been filed with the following prayer:

"(i) Issue appropriate writ, order or direction in the nature of Certiorari quashing the judgment dated 19.01.2016, passed in Special Trial No. 11 of 2012 in case and crime No. 132/ 2002 u/s 2/3 of the Gangster Act 1986 passed by Opposite Party No 1 (the learned Court of Special Judge, Gangster Act, 1986).annexed as Annexure No 1.

(ii) A writ or writs, order or orders and/or direction or directions in the nature of Mandamus staying operation, enforcement and implementation of Judgment dated 19.01.2016 passed in Special Trial No. 11 of 2012 in case and crime No. 132/ 2002 u/s 2/3 of the Gangster Act 1986 passed by Opposite Party No. 1 (the learned Court of Special Judge, Gangster Act, 1986) annexed as Annexure No 1.

(iii) Issue appropriate writ, order or direction in the nature of Mandamus commanding and directing the Opposite Party no. 1 to reopen the trial of Special Trial No. 11 of 2012 in case and crime No. 132/ 2002 u/s 2/3 of the Gangster Act, 1986 and conduct a fresh trial of the case.

(iv) Issue appropriate writ, order or direction in the nature of Mandamus commanding and directing the Opposite Party no. 2 and 3 to adopt the procedure for the reopening the trial of Special Trial No. 11 of 2012 in case and crime No. 132/2002 u/s 2/3 of the Gangster Act, 1986 and get a fresh trial of the case conducted in accordance with law."

Sri Rajeev Kumar Verma, learned A.G.A.-1 alongwith Sri Ashok Kumar Singh, learned A.G.A.-1 has drawn attention of this court to Section 18 of the U.P.Gangsters and Anti-Social Activities (Prevention) Act, 1986, which reads as follows:

"Section 18. Appeal- The provisions of Chapter XXIX of the Code shall, *mutatis mutandis*, apply to an appeal against any judgment or order of a Court passed under the provisions of this Act."

In the light of Section-18 quoted above, Sri Verma has raised

preliminary objection regarding maintainability of the present writ petition and submits that for the reliefs prayed, the present writ petition is not maintainable. It was also submitted that if the petitioner is aggrieved against the acquittal order passed by a Court under the provisions of the U.P.*Gangsters* and Anti-Social Activities (Prevention) Act, 1986, she has a remedy to file an appeal under Section 18, of the said Act, thus, in view of Section 18, the present writ petition is liable to be dismissed.

In view of the objection raised by the learned A.G.A., no relief can be granted, as prayed for in this writ petition. Accordingly, this petition lacks merits and is **dismissed**.

(Shamim Ahmed, J.)

Order Date :- 19.7.2024
A.Nigam