

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11286 of 2024

Applicant :- Mukesh Sharma

Opposite Party :- State Of U.P.Thru. Prin. Secy. Deptt. Of Home Lko. And Another

Counsel for Applicant :- Kishan Kumar,Parashu Ram Kanaujia,Rajeev Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with following prayer:-

"(i) Quash the Chargesheet of the Case No. 38262/2024 titled as State of U.P. versus Mukesh Sharma in Case Crime No. 0048/2024 under sections 376, 506, 406 IPC, Police Station- Gomti Nagar, District- Lucknow East (Commissionerate Lucknow), pending in the Court of Chief Judicial Magistrate, Lucknow.

(ii) Quash the Order of Cognizance dated 15.04.2024, passed in the aforesaid Case No. 38262/2024/Crime No. 0048/2024, calling upon the Petitioner to face trial for the Offences punishable under sections 376, 506, 406 IPC, Police Station- Gomti Nagar, District- Lucknow East (Commissionerate Lucknow), pending in the Court of Chief Judicial Magistrate, Lucknow.

(iii) Stay further proceedings of case no. 38262/2024/Crime No. 0048/2024 under sections 376, 506, 406 IPC, Police Station- Gomti Nagar, District- Lucknow East (Commissionerate Lucknow), pending in the Court of Chief Judicial Magistrate and also to stay the operation and implementation of impugned order of cognizance dated 15-04-2024."

3. In pursuance of earlier order dated 12.12.2024, Mr. Satish Rathore, Investigating Officer, Police Station- Gomti Nagar, Lucknow is present today before this Court.

4. After arguing the matter up to some length, learned counsel for the applicant submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicant may be permitted to move discharge application through counsel and suitable directions may be issued for expeditious disposal of the same.

5. Learned A.G.A. has no objection in grant of aforesaid

prayer.

6. In view of above, it is provided that applicant is permitted to move his discharge application(s) through counsel within four weeks' from today and in case any such application(s) is/are being filed, same shall be heard and decided expeditiously after hearing the parties, in accordance with law, by means of a reasoned and speaking order.

7. Till the aforesaid period of four weeks' and during pendency of discharge application, no coercive steps shall be taken against the applicant in the aforesaid case.

8. In case of failure on the part of applicant in moving the discharge application(s) within the aforesaid period, he will not be entitled to the benefit of this order.

9. With above directions, this application stands ***disposed of***.

10. The aforesaid officer present today need not to appear before this Court until further order.

Order Date :- 18.12.2024

Arpan