

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11580 of 2024

Applicant :- Shashank Pandey @ Happy Pandey

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

Counsel for Applicant :- Ravi Kant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and perused the record.

The present application has been filed by the applicant seeking following main reliefs:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash/set-aside the impugned charge sheet dated 8.1.2024 arising out of Case Crime No.552/2023, Under Section: 354 IPC, Police Station: Nawabganj, District Gonda as well as cognizance/summoning order dated 12.9.2024 passed by learned Chief Judicial Magistrate, Gonda in Criminal Case No.Nill/2024 (State Versus Shashank Pandey @ Happy Pandey) including entire criminal proceeding initiated in pursuance thereof, as contained in Annexure No.1&2 respectively to this Petition.

It is also prayed that this Hon'ble Court may kindly be pleased to stay the entire proceeding initiated in pursuance of the impugned charge sheet dated 8.1.2024 arising out of Case Crime No.552/2023, Under Section: 354 IPC, Police Station: Nawabganj, District Gonda as well as cognizance/summoning order dated 12.9.2024 passed by learned Chief Judicial Magistrate, Gonda in Criminal Case No.Nill/2024 (State Versus Shashank Pandey @ Happy Pandey) during pendency of the instant petition in the interest of justice."

On being asked as to whether the charges have been framed in the proceedings pending before the Chief Judicial Magistrate, Gonda (in short "Magistrate") arising out of Case Crime No. 552 of 2023, Police Station- Nawabganj, District- Gonda, learned counsel for the applicant submitted that the charges have not been framed till date.

To the aforesaid, there is no objection.

Taking note of the aforesaid and also the fact that the applicant can prefer an application seeking discharge before the Magistrate concerned, this Court is not inclined to entertain this application. It is accordingly disposed of with liberty to the applicant to prefer an application for discharge before the trial court concerned, which shall be considered and decided by the trial court most expeditiously, in accordance with law, by means of reasoned and speaking order after taking note of entire facts and evidence available on record, submitted by the Investigating Officer alongwith the charge sheet.

With the aforesaid, the instant application is ***disposed of finally.***

Order Date :- 18.12.2024

Arun/-