Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 13879 of 2020

Petitioner :- Dharmendra Kumar @ Mithun And 3 Others
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Anshul Nigam,Rohit Nandan Singh
Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.
Hon'ble Samit Gopal,J.

Sri Rohit Nandan Singh, learned counsel for the petitioners and Sri Deepak Mishra, learned AGA for the State are present.

It transpires from the list of fresh cases that all the petitioners have already been preferred a writ petition being numbered as Crl. Misc. Writ Petition No. 12713 of 2020, in which, an interim order has been passed by this Court on 17.11.2020 and this petition appears to be a second writ petition on behalf of the same petitioners for the same cause of action.

A pointed query was made to the learned counsel for the petitioners with respect to the filing for earlier petition and what was the cause for filing of the present petition for the same cause of action, then he states that he has no knowledge for the same. A joint affidavit by petitioner nos. 1 and 2, namely, Dharmendra Kumar and Kajal respectively has been filed in support of the writ petition.

The contention of learned A.G.A. appears to have force.

Considering the facts and circumstances of the case, we are of the opinion that it cannot be said that the petitioners have no knowledge about filing of the earlier petition, hence the present writ petition is dismissed with an exemplary cost of Rs. 10,000/- which shall be deposited by the petitioner no. 1, namely, Dharmendra Kumar within one month from today in the court of C.J.M. concerned which shall be given to the Legal Service Cell of the District, failing which the same shall be recovered as arrears of land revenue.

Accordingly, the present writ petition stands dismissed.

Office is directed to keep a copy of this order along with the record of Crl. Misc. Writ Petition No. 212713 of 2020.

The Registrar General of this Court is directed to send a copy of

this order to the C.J.M. concerned for its compliance.

The party shall file computed generated copy of order downloaded from the official website of High Court Allahabad, self attested by it alongwith a self attested identity proof of the said person(s) (preferably Aadhar Card) mentioning the mobile number(s) to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of the computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 1.12.2020
M. ARIF

Digitally signed by Justice Samit Gopal
Date: 2020.12.04 11:23:17 IST
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Digitally signed by Justice Ramesh Sinha
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