

29.03.2022

case called for hearing. Present Ld. Counsels for the parties along with accused in-person. Case is listed today for disposal of the application filed U/s 403 Cr.P.C. on behalf of the accused persons.

In the application, it has been submitted by the accused that the complainant Mukesh Mishra has already received an amount of Rs. 5 lacs under *Akasmik Kisan Durghatna* as compensation. It has been submitted that since the complainant has already received compensation amount arising out of the incident involved in the present case and since the payment has been made on the premise of accident, the entire proceeding against the accused is liable to be quashed and the accused deserves to be discharged.

In the objection filed by the complainant, it has been submitted that the case is listed for prosecution evidence since 2016 and that the accused persons are seeking adjournments on one ground or the another to linger on the present case. It has been submitted that the application filed by the accused is liable to be dismissed since there are material contradictions in the application and the proceeding in the present case. It has been submitted that the accused is changing his counsel immediately with the sole purpose of delaying the proceeding in the present case.

Heard. Record perused.

Perusal of the record reveals that the charge in the present case was framed on 11.02.2016 and since then, the case pending at the stage of evidence. and the statement of PW-1 is not completed. PW-1 is present today also. So far as the contents of the applicant is concerned, the stand taken by the accused is matter of evidence and the same can very well be produced and proved by the accused at the time of defence evidence. Whether the offence was accidental or not can only be considered after taking the evidence and not at this stage.

In view of the above, the application filed U/s 403 Cr.P.C. is liable to be dismissed.

Order

Application filed by the accused persons U/s 403 Cr.P.C. is dismissed.

Today, another application has been filed on behalf of accused Priyanshu Kumar Mishra stating therein that his date-of-birth is 12.05.1997 and that at the time of the alleged offence, he was below 18 years of age. Copy be supplied to the Ld. ADGC(CrI.) for the State.

Put up on 02.04.2022.

Sd/-
ASJ, Court No. 04, Deoria.