

Court No. - 49

Case :- APPLICATION U/S 482 No. - 28877 of 2018

Applicant :- Mahmood Ali And 2 Ors

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Sumit Goyal

Counsel for Opposite Party :- G.A.

Hon'ble Saumitra Dayal Singh,J.

Heard learned counsel for the applicants and learned AGA for the State.

The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 5.6.2018 as well as proceeding of Case No. 1641 of 2018 (State Vs. Haji Ikbal and others), arising out of Case Crime No. 65 of 2018, under Sections 447, 506, 120B, IPC, Police Station Mirzapur, District Saharanpur, pending in the court of A.C.J. (S.D.)/A.C.J.M. IInd, Saharanpur.

Learned counsel for the applicants submits that no notice as required under Section 441 (U.P. Amendment) has been issued and in any case the FIR allegation stood falsified upon subsequent statement of the witness recorded under Section 161 Cr.P.C. with respect to the description of the plot.

Matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Issue notice to opposite party no.2 returnable at an early date.

Opposite parties may file their counter affidavits within six weeks. Rejoinder affidavit may be filed within two weeks thereafter.

List thereafter.

Till the next date of listing, further proceeding in the aforesaid case against the applicants shall remain stayed.

Order Date :- 21.8.2018

Mini