

Court No. - 77

Case :- APPLICATION U/S 482 No. - 12725 of 2024

Applicant :- Purushottam Yadav Alias Maghau

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rishi Yadav, Suresh Singh

Counsel for Opposite Party :- G.A., Rajneesh Pratap Singh

Hon'ble Samit Gopal, J.

1. Sri Rajneesh Pratap Singh, Advocate states that he has filed his vakalatnama in the office on behalf of the opposite party no.2 but the same is not on record.

2. Office is directed to trace out the same and place it on record by the next date and make a note in the order sheet regarding the same.

3. Heard Shri Suresh Singh, learned counsel for the applicant, Sri Rajneesh Pratap Singh, learned counsel for the opposite party no.2, Shri Birendra Pratap Singh, learned counsel for the State and perused the material brought on record.

4. Learned counsel for the State submits that he has received full and complete instructions in the matter for which time was granted to him thrice earlier.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is argued that applicant is not named in the FIR. It is further argued that during investigation in the entire material collected in it there is no allegation against the applicant. It is argued that subsequently a supplementary charge sheet dated 8.4.2022 was submitted in which the applicant has been arrayed as an accused and his name finds place at serial no.6 of the list of accused persons being charge sheeted. It is argued that charge sheet has been submitted against the applicant under Sections 147, 148, 307, 323, 504, 506 IPC subsequent to which court concerned vide its order dated 7.7.2023 took cognizance upon the same and summoned the accused persons named therein including the applicant. It is argued that there is no allegation at all against the applicant for committing any offence and the name of the applicant has been mentioned in the charge sheet without any evidence whatsoever.

6. Prima-facie learned counsel for the State and learned counsel for the opposite party no.2 could not dispute the said fact and they

prayed for and are granted three weeks' time to file counter affidavits. Rejoinder affidavit, if any, be filed within two weeks thereafter.

7. Let the matter be listed on 10.09.2024.

8. Till the next date of listing, no coercive action shall be taken against applicant-Purushottam Yadav @ Maghau in Case No.678 of 2023 (State Vs. Shivbabu and others) arising out of Case Crime No.041 of 2019, u/s 147, 148, 307, 323, 504, 506 IPC, P.S. Cantt. District Prayagraj pending in the Court of Addl. Sessions Judge, Allahabad.

(Samit Gopal, J.)

Order Date :- 30.7.2024
Gaurav Kuls