

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33695 of 2023

Applicant :- Asif Zaidi @ Sayed Sakib Asgar Zaidi

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

Counsel for Applicant :- Akhilesh Singh,Ajeet Singh,Shivam Yadav

Counsel for Opposite Party :- G.A.,Afshan Shafaut

Hon'ble Sanjay Kumar Singh,J.

By means of this application under Section 482 Cr.P.C., impugned order dated 10.08.2023 passed by trial Court is under challenge whereby charges under Sections 498A, 306 IPC and Section 3/4 Dowry Prohibition Act has been altered under Sections 328 and 302 IPC.

Assailing the impugned order dated 10.08.2023, main substratum of argument of learned counsel for the applicant is that it is well settled that prosecution has no right to move an application under Section 216 Cr.P.C., which is the sole domain of the trial Court.

Learned A.G.A. representing the State and learned counsel for opposite party no. 2 pray for and are allowed two weeks' time to file counter affidavit.

Rejoinder affidavit, if any, may be filed by the applicant within one week thereafter.

List this case on 01.12.2023.

Order Date :- 9.11.2023

Shubham