

Court No. - 75

Case :- APPLICATION U/S 482 No. - 15713 of 2024

Applicant :- Manoj Rai

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

Counsel for Applicant :- Jai Prakash Rai, Rajesh Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. List revised. None appears on behalf of opposite party no.2.
2. Service of notice upon opposite party no.2 is sufficient as is evident from the compliance report filed by the learned AGA.
3. Heard Mr. Rajesh Tewari, learned counsel for the applicant as well as Mr. Amit Singh Chauhan, learned A.G.A. for the State and perused the record.
4. The present 482 Cr.P.C., application has been filed for quashing the impugned Charge Sheet No.33 of 2024 dated 30.01.2024 in Case Crime No.05/2024, under Sections 323, 504, 506 I.P.C. and Sections 3 (1) da, dh and 3 (2) 5k of S.C./S.T. Act, Police Station- Jamaniya, District- Ghazipur and further prayer to stay the further proceedings of S.S.T. No.233 of 2024 arising out of the aforesaid case crime number, pending before learned Special Judge, S.C./S.T. Act, Ghazipur.
5. Learned counsel for the applicant submits that from the version of the FIR as well as statement, the caste indicative word as alleged to be used by the applicant has not been specified, therefore, no offence under the relevant section is made out against the applicant.
6. Matter requires consideration.
7. List after three months.
8. Till the next date of listing, the impugned Charge Sheet No.33 of 2024 dated 30.01.2024 and the proceedings of S.S.T. No.233 of 2024, arising out Crime No.05/2024, under Sections 323, 504, 506 I.P.C. and Sections 3 (1) da, dh and 3 (2) 5k of S.C./S.T. Act, Police Station- Jamaniya, District- Ghazipur, **shall remain stayed.**
9. In the meantime, learned counsel for the parties may file counter affidavit and rejoinder affidavit.

Order Date :- 5.8.2024

Kalp Nath Singh