

Court No. - 83

Case :- CRIMINAL APPEAL No. - 6216 of 2024

Appellant :- Arvind @ Arvind Kumar

Respondent :- State of U.P. and Another

Counsel for Appellant :- Naveen Kumar Yadav

Counsel for Respondent :- G.A., Sandeep Kumar Srivastava

Hon'ble Saurabh Srivastava, J.

1. Heard learned counsel for the appellant, learned counsel for the respondent no.2 and learned A.G.A. for the State.
2. Learned counsel for the appellant submitted that the learned trial court has illegally summoned the appellant since the ingredients of offences as alleged in the summoning order are not present in the material evidence available on record and as such the above order is not sustainable.
3. Per contra, learned A.G.A. and learned counsel for the respondent no.2 vehemently opposed the prayer as made in the appeal, but did not dispute above facts as mentioned by learned counsel for the appellant.
4. Rest of the other grounds shall be taken up at the time of final adjudication of the instant appeal but at this juncture, learned counsel for the appellants made out the case in favour of appellants and as such the matter needs consideration.
5. Four weeks time is hereby granted to all the opposite parties for filing counter affidavit.
6. Two weeks thereafter for rejoinder affidavit, if any.
7. List after exchange of pleadings.
8. Till the next date of listing, operation of the order dated 23.04.2024 passed by learned Additional District Judge/Special Judge (SC/ST Act), Sambhal in Special Trial No.30 of 2024 (State vs. Arvind) arising out of Case Crime No.188 of 2022, under Sections 420, 406, 354, 506 I.P.C. and Section 3(2)(5) of SC/ST (P.A.) Act, P.S. Asmoli, District- Sambhal, is hereby stayed.

Order Date :- 5.8.2024

Saif