

Court No. - 75

Case :- APPLICATION U/S 482 No. - 22778 of 2024

Applicant :- Mahendra Singh

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

Counsel for Applicant :- Anuj Agarwal, Arvind Agrawal

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This application under Section - 482 Cr.P.C. has been preferred against the order dated 16.05.2024, passed by learned A.C.J.M. / Civil Judge (S.D.) F.T.C.-1, Firozabad in Complaint Case No. 138 of 2014 (Gavendra Pal Singh Vs. Hariom and Others), under Sections - 467, 468, 470, 471 I.P.C., Police Station - South, District - Firozabad.
3. Learned counsel for the applicant submitted that impugned order is against law and thus, liable to be set aside. At the time of summoning of applicant, no list was provided by the complainant, as per law. The witnesses, who were examined under Section - 202 Cr.P.C. have since died. By impugned order the learned trial court has inter-alia directed the complainant to file the list of witnesses according to his wish, which is against law. It was stated that at the stage of evidence under Section - 244 Cr.P.C., no such liberty can be given to the complainant to produce the list of witnesses as per his wish and thus, impugned order is liable to be set aside.
4. Matter requires consideration.
5. Issue notice to the opposite party no.2, returnable at an early

date. Steps be taken within a week.

6. Opposite party no.2 may file counter affidavit within four weeks.

7. List this case on 30.01.2025.

8. It is directed that till the next date of listing, the effect and operation of the impugned order dated 16.05.2024, passed by the Civil Judge (S.D.) F.T.C.-1, Firozabad in aforesaid case shall be kept in abeyance.

Order Date :- 5.12.2024

S Rawat