

Court No. - 80

Case :- APPLICATION U/S 482 No. - 38856 of 2024

Applicant :- Rahul

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

Counsel for Applicant :- Amit Daga, Manglam Pandey, Mayank Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. Sri Amit Daga, learned counsel for the applicant and Sri Ajay Singh, learned A.G.A.-I for the State are present and have been heard.

2. On 25.11.2024 the following order was passed by this Court:

"1. Heard Sri Amit Daga, learned counsel for the applicant and Sri Ajay Singh, learned AGA-I for the State.

*2. Learned counsel for the applicant relies upon the judgment of the Apex Court in the case of **Mohan Lal Vs. State of Punjab : (2018) 17 SCC 627**, para 17 and 30 to submit that the investigation in the present matter is biased as the Pre-tap Enquiry Officer is the Investigating Officer himself in the matter.*

3. Learned counsel for the State prays for and is granted two weeks time to seek instructions.

4. Let the matter be listed on 16.12.2024 as fresh."

3. Learned State counsel submits that although in response to his letter to the Investigating Officer, the Investigating Officer visited the office but without complete instructions and was told again come with complete instructions and as such two weeks further time be granted for obtaining complete instructions/file response. Prayer is allowed.

4. Let the matter be listed on 17.01.2025 as fresh.

5. Since time again is being sought by learned State counsel, it would be appropriate that the applicant be given some interim protection.

6. Till the next date of listing, no coercive action shall be taken

against the applicant in Sessions Case No. 2893 of 2023 (CNR No. UPGK010138542023), State of U.P. vs. Rahul, under Sections 7/13(1)(b) r/w Section 13(2) of the Prevention of Corruption Act, 1988, Police Station Anti Corruption, Basti, District A.C.O. U.P., (arising out of Case Crime No. 03 of 2023, registered at Police Station- Anti Corruption, Basti, District A.C.O. U.P.), pending in the court of Additional Sessions Judge/Special Judge (P.C. Act), Court No. 5, Gorakhpur.

(Samit Gopal,J.)

Order Date :- 16.12.2024

Naresh