

Nandlal @ Kallu Maurya (In Adhar Card ... vs State Of U.P. Thru. Prin. Secy. Home ... on 31 January, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6954

Court No. - 12

Case :- APPLICATION U/S 482 No. - 687 of 2025

Applicant :- Nandlal @ Kallu Maurya (In Adhar Card Nandlal Maurya)

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And Another

Counsel for Applicant :- Suraj Singh Visen,Aman Kumar Shrivastav

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

1. Shri Awadhesh Kumar Singh, Advocate, has put in appearance on behalf of opposite party no.2 by way of filing his Vakalatnama, which is taken on record.
2. Heard learned counsel for the applicant, learned counsel for opposite party no.2, learned A.G.A. for the State and perused the material on record.
3. By means of the present petition, the applicant has assailed the order dated 01.01.2025, passed by the Additional Session Judge, F.T.C. Ist, Gonda in Criminal Revision No.149 of 2023 (Smt. Kunti Devi Vs. State of U.P. & another).

5. The order under challenge is the remand order.

6. In regard to interference in the order of remand, the Hon'ble Apex Court in the case of Mangal Prasad Tamoli(D) by LRs V. Narvedshwar Mishra(D) by LRs 2005(99)RD 177 after taking note of the judgment passed in the cases of Satyadhyan Ghoshal and others V. Smt. Deo Rajain Devi and another (1960) 3 SCR 590 and Kshitish Chandra Bose Vs. Commissioner of Ranchi(1981)2 SCC 764 has observed that remand order is an interlocutory order which does not terminate the proceedings. It is open to the aggrieved parties to challenge the order of remand after the final judgment made on remand.

7. For release of Rs.19,85,000/- three applications were filed. Application annexed as Annexure No.5 was filed by the applicant. Another application was filed by the accused. The application for release of the said amount was also preferred by the opposite party no.2.

8. For disposal of the application the case was fixed on 05.04.2023 and prior to the same it was fixed on 13.03.2023. However, without giving proper opportunity of hearing, the Magistrate passed the order favourable to present applicant on 15.03.2023.

9. To dispute the dates fixed in the case indicated above, i.e. 13.03.2023 and 05.04.2023, no document has been placed on record by the applicant. In the instant application the applicant has also not indicated the reasons for passing the order on 15.03.2023.

10. Further, the Magistrate in the order dated 15.03.2023 took note of the fact that the opposite party no.2 has filed the application dated 19.01.2023 and from this order it is also apparent that the opportunity to advance submission was not given to the opposite party no.2, who filed the revision in which the impugned order was passed.

11. Having considered the aforesaid, this Court is not inclined to entertain this application, which is accordingly rejected.

Order Date :- 31.1.2025 Anand/-