

Allahabad High Court

Sushil Kumar Gautam vs The State Of U.P. And Another on 12 January, 2010

Court No. - 52

Case :- APPLICATION U/S 482 No. - 20668 of 2009

Petitioner :- Sushil Kumar Gautam

Respondent :- The State Of U.P. And Another

Petitioner Counsel :- Vinod Kumar Srivastava

Respondent Counsel :- Govt. Advocate, Mithilesh Kumar Gupta

Hon'ble Arvind Kumar Tripathi, J.

This Criminal Misc. Application under Section 482 Cr.P.C. has been filed with the prayer to allow this application and quash order 7.7.2009 passed in S.T. No. 212 of 2009 passed by Apar Sessions Judge/Fast Track Court No. 1, Varanasi arising out of order dated 6.5.2009 passed in Criminal case no. 21179 of 2008 (arising out of case crime no. 519 of 2007), under Sections 504, 506 IPC, P.S. Lanka, District- Varanasi.

Heard learned counsel for the applicant and learned A.G.A. and perused the record.

Learned counsel for the applicant submitted that the First Information Report lodged from side of the applicant is of a different incident. However, both cases lodged against and from the side of the applicant have been transferred for the Joint trial alongwith the present case before the Additional Session Judge, Fast Track Court. Hence the impugned order dated 7.7.2009 passed by Additional Sessions Judge, Fast Track Court No. 1 Varanasi in Session Trial No. 212 of 2009 is liable to be set aside.

Learned A.G.A. and counsel for the opposite party no. 2 submitted that since as per allegation the incident dated 9.8.2007 is mentioned the first information report and complaint of both the parties, hence order was passed trial of both the cases by the same court. The application to return the case was rightly rejected by the impugned order. From a perusal of the record, it appears that in both the First Information Reports, apart from the incident dated 9.8.2007, incidents of other dates have also been mentioned. In view of the allegation, it cannot be said that the court below has committed any error in directing for joint trial of the cases. At this stage no interference is required in the impugned order. Accordingly, this application is rejected. Order Date :- 12.1.2010 ANT