

Allahabad High Court

Danish vs State Of U.P. & Another on 21 January, 2010

Court No. - 28

Case :- APPLICATION U/S 482 No. - 203 of 2010

Petitioner :- Danish

Respondent :- State Of U.P. & Another

Petitioner Counsel :- S.S. Shah

Respondent Counsel :- Govt. Advocate

Hon'ble Shri Kant Tripathi,J.

Heard the learned counsel for the applicant and the learned AGA and perused the record.

The learned counsel for the applicant submitted that the prosecutrix has not given any statement against the applicant regarding the offence of rape.

The investigating officer, on completion of the investigation, found sufficient materials against the applicant and accordingly submitted the charge sheet. The learned Magistrate has taken cognizance of the offences. The materials collected during the investigation fully justify submission of the charge sheet by the investigating officer and taking of cognizance by the Magistrate. There does not appear to be any justification to exercise inherent power under section 482 CrPC. It is however, provided that the bail prayer of the applicant Danish in case crime no. 4420 of 2009 under sections 363, 366, 376 IPC, police station T.P. Nagar, district Meerut, pending in the court of Additional Chief Judicial Magistrate, Meerut arising out of crime no. 423 of 2009 shall be disposed of by the courts below in the light of the principles laid down in the case of Lal Kamlendra Pratap Singh versus State of U.P. & others (2009) 4 SCC 437.

With the aforesaid observations, the petition under section 482 CrPC is disposed off finally.

Order Date :- 21.1.2010 MTA