Ajit Kumar Pandey and Others Vs State of U.P.And Another

None

Court: Allahabad High Court

Date of Decision: March 30, 2011

Hon'ble Judges: Ravindra Singh, J

Final Decision: Disposed Of

Judgement

Ravindra Singh,J.

Heard learned counsel for the applicants, Sri Saurabh Srivastava, learned counsel appearing on behalf of O.P.No.2 and learned A.G.A.

This application has been filed with a prayer to quash the proceedings of Complaint Case No. 2736 of 2009 under sections 628, 629, 629A, 113,

193, 209(5), 211, 219, 286 of the Companies Act and under sections 406, 467, 468, 471 abd 120B I.P.C., pending in the court of Special Chief

Judicial Magistrate, Kanpur Nagar.

It is contended by learned counsel for the applicants that in the present case,complaint has been filed after recording the statement under section

200 Cr.P.C., the learned Magistrate concerned came to the conclusion that for the purpose of statement under section 202 Cr.P.C., the

OfficerinCharge of the Police Station Concerned may be appointed, consequently, the Officer in charge of the Police Station concerned was

appointed to record the statement of the witnesses under section 202 Cr.P.C.,thereafer, the learned Magistrate concerned passed the impugned

order dated 21.1.2011 by which he has considered the complaint and the statement recorded under section 200 Cr.P.C.but no reference has been

given to the statement recorded under section 202 Cr.P.C. The learned Magistrate concerned has not disclosed whether the statement of the

witnesses recorded under section 202 Cr.P.C.support the prosecution story or not. The learned Magistrate concerned has not adopted the proper

procedure in taking the cognizance by passing the order dated 21.2.2011, the same may be set aside.

In reply to the above contention, it is submitted by the learned A.G.A. and learned counsel appearing on behalf of O.P.No.2 that such pleas may

be taken by the applicants before the court concerned by way of moving application under section 245(2) Cr.P.C.

Considering the facts, circumstances of the case and submission made by the learned counsel for the applicants and the learned A.G.A. it is

directed that in case the applicants move an application under section 245(2) Cr.P.C, before the court concerned, through their counsel within 30

days from today, the same shall be heard and disposed of expeditiously, in accordance with the provisions of law.

Till the disposal of that application, no coercive steps shall be taken against the applicants.

With the above direction, this application is finally disposed of.