

(2010) 02 AHC CK 0146

Allahabad High Court

Case No: None

Ramadhin and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Feb. 26, 2010

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.

Heard the learned counsel for the petitioners and learned A.G.A. who has put in appearance on behalf of opposite parties nos.1 and 2.

2. At this stage notice in respect of opposite party no.3 is dispensed with.

3. The application under Section 482 Cr.P.C. has been filed for quashing the impugned Chargesheet dated 19.06.2009 arising out of Case Crime No.3511 of 2009, under Sections 323, 504, 506 I.P.C. and Section 3(1) (X) S.C./S.T. Act, Police Station Kotwali Sahar, District Hardoi.

4. The chargesheet has been filed on the basis of the accusation made in the F.I.R. and the evidence collected during investigation including the statements under Section 161 Cr.P.C. The other averments are factual in nature that cannot be adjudicated in the present application. There does not appear to be any sufficient cogent ground for quashing of the entire proceedings.

5. Learned counsel for the petitioners however submits that the offences are triable by Magistrate and not so grave except the offence under Section 3 (1) (X) S.C./S.T. Act. Moreover, all the three petitioners being law abiding citizens intend to participate in the proceedings after seeking bail.

6. Without entering into the merits of the case in view of the aforesaid facts and circumstances, it is directed that if the applicants appear before the court concerned and apply for bail within one month from today, both the courts below shall dispose

of the application expeditiously, if possible, on same day in accordance with the Full Bench decision of this Court in the case of Srimati Amrawati and another Vs. State of U.P. 2004 CBC page 705 and Lal Kamendra Pratap Singh Versus State of U.P. reported in 2009 (1) JIC 677 & 2009 (2) Crimes 4 (SC). Thereafter, the trial court may permit the applicants to appear through counsel and raise their objection, if any, against the initiation of trial proceedings against them at the stage of framing of charges. This relief is being granted up to the stage of framing of charges only provided the applicants after securing bail (1) furnish an undertaking to the satisfaction of the trial court that their counsel will remain present on their behalf and will represent them on each and every date, (2) they will not raise any objection as to the actual presence of the person who is facing trial, (3) an undertaking will also be given to the effect that they will be present before the court whenever called upon to do so at any stage. These directions are being accorded in the light of the observations made by Hon"ble Apex Court in the cases of M/s Bhaskar Industries Ltd. Vs. Bhiwani Denim and Apparels Limited reported in 2001 Cri. Law Journal page 4250.

7. Till the aforesaid period of one month, bailable/nonbailable warrant, if any, shall be kept in abeyance.

8. With these observations this application under Section 482 Cr.P.C. is finally disposed of.