

(2000) 04 AHC CK 0138

Allahabad High Court

Case No: Writ Petition No. 102 (M/B) of 2000

Vijay Shanker Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: April 4, 2000

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 83
- Penal Code, 1860 (IPC) - Section 409

Citation: (2001) 1 ACR 403

Hon'ble Judges: Virendra Saran, J; Naseemuddin, J

Bench: Division Bench

Judgement

Virendra Saran and Naseemuddin, JJ.

Heard learned Counsel for the Petitioner and learned A.G.A.

2. Petitioner has retired from police force. He is involved in Crime No. 240 of 1998 u/s 409, I.P.C., police station Hazratganj, district Lucknow. Learned Counsel for the Petitioner has submitted that the F.I.R. has been lodged against him after about three years of his retirement. We have also considered the entire material placed on the record of the writ petition. We are of the view that the nature of the allegations in this case need ascertainment before the Petitioner is arrested. The investigation is already in progress.

3. Accordingly this writ petition is finally disposed of with the direction that the arrest of the Petitioner shall remain stayed till filing of the charge-sheet, if any, against the Petitioner. We are informed that the process u/s 83, Cr. P.C. has also been issued against the Petitioner. In view of the fact that we are staying the arrest of the Petitioner the execution of the process already issued against the Petitioner u/s 83, Cr. P.C. shall remain stayed till filing of charge-sheet.

4. With the above directions this writ petition is disposed of finally.