

**Court No. - 55**

**Case :-** APPLICATION U/S 482 No. - 9019 of 2003

**Applicant :-** Mohd. Ashraf & Others

**Opposite Party :-** State Of U.P. & Others

**Counsel for Applicant :-** S.I. Ali, Mukhtar Alam

**Counsel for Opposite Party :-** Govt. Advocate

**Hon'ble Shashi Kant, J.**

Heard Sri Mukhtar Alam, learned counsel for applicants, Sri B.D. Nishad, learned A.G.A. appearing for the State of U.P. and perused the record.

This application U/S 482 Cr.P.C. has been filed for quashing the entire proceedings of Case No. 141 of 2003 - State Vs. Ramesh and Others, arising out of Case Crime No. 573 of 2002, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station - Shambhal, District - Moradabad, pending in the court of Special Judge Gangster Act, Moradabad as well as for quashing the charge sheet dated 23.08.2002 filed against the applicants in the aforesaid case.

Learned counsel for applicants submits that Gangsters Act has been imposed upon the applicants on the basis of sole case which was registered against the applicants as Case Crime No. 567 of 2002, under Sections 60, 62 Excise Act and Sections 467, 468, 471, 272, 273 I.P.C., at Police Station - Sambhal, District - Moradabad in which after investigation charge sheet has been filed and the case has been committed to sessions, where trial of the applicants is proceeding. The Gangsters Act imposed upon the applicants on the basis of single case is wrong and illegal and not sustainable in law, hence same is liable to be quashed.

After arguing the matter up to some length, learned counsel for the applicants submits that he does not want to press this application on merit and confines his prayer only to the extent that applicants may be permitted surrender before the court below and move bail application and appropriate directions may be issued so that same may be heard and decided expeditiously, in accordance to law. He further prays to permit the applicants to move discharge application at appropriate stage.

Learned A.G.A. has no objection in grant of above prayer.

In view of above, it is provided that if the applicants surrender before the courts below and apply for bail, their application for bail shall be considered and decided, expeditiously, in

accordance with law.

Applicants are also permitted to move discharge application(s) alongwith certified copy of this order, before the Court below, at appropriate stage, and in case any such application(s) is/are moved same shall be heard and decided expeditiously, if possible within sixty days' from the date of such application(s) moved by applicants.

Till disposal of discharge application of above mentioned applicants, no coercive measures shall be taken against them in the aforesaid case.

With above directions this application stands **disposed of**.

**Order Date :-** 23.9.2017

A. Verma/Israr