

Court No. - 15

Case :- APPLICATION U/S 482 No. - 6531 of 2018

Applicant :- Vivek And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Anurag Shrivastava

Counsel for Opposite Party :- G.A.

Hon'ble Arvind Kumar Mishra-I, J.

Heard learned counsel for the parties and learned A.G.A. in opposition.

This application under Section 482 Cr.P.C. has been filed for quashment of further proceedings of Case Crime No.373 of 2017, under Sections 323, 308, 504 IPC, State of U.P. Vs. Vivek and others, P.S. Dhampur, District Bijnor, pending in the court of C.J.M., Bijnor.

Learned counsel for the applicants has engaged attention of this Court on Annexure No.2-A, statement of Dr. R.K. Bansal, whereby he has described certain factual aspects relating to injury being caused on injured- Shashi Bala- and on the basis of the same, it has been claimed that entire episode is vitiated and no case under Section 308 IPC is made out.

Learned AGA has refuted the aforesaid submission.

Upon considering the entirety of the case, it is obvious that all the factual aspects are to be adjudicated upon by the Magistrate concerned by passing a speaking and reasoned order on the application of the applicant within a period of 30 days from the date of presentation of application of the applicant after affording opportunity of hearing to the prosecution. It is made clear that during adjudication of application within the stipulated period of 30 days, no adjournment shall be granted.

It is expected the for a period of 30 days or till the disposal of the application within the specified period, as above, no coercive action shall be taken against the applicants.

Accordingly, this application is **disposed off**.

Order Date :- 28.2.2018

Raj