

Court No. - 27

Case :- APPLICATION U/S 482 No. - 2050 of 2024

Applicant :- Rahisuddin

Opposite Party :- State Of U.P. Thru. Prin.Secy. Home And Another

Counsel for Applicant :- Dharm Trivedi, Pramendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant as well as the learned A.G.A. and perused the record.

2. By means of the present application under Section 482 Cr.P.C. the applicant **Rahisuddin** has sought quashing of the impugned charge sheet No. 175/2023 dated 07.03.2023 arising out of Case Crime No. 114 of 2023, under Sections 420, 468, 471 I.P.C., Police Station Kotwali Sadar, District Kheri as well as the entire proceedings of the case which is pending in the court of learned Chief Judicial Magistrate, Kheri.

3. Learned A.G.A. has opposed the aforesaid prayer and has submitted that while exercising the jurisdiction under Section 482 Cr.P.C., this Court cannot go into the correctness of the allegations made against the applicant and has only to examine whether on the basis of the allegations made and material collected during investigation, the offences are made out against the applicant or not.

4. The Hon'ble Supreme Court in **C.B.I. v. Aryan Singh, 2023 SCC Online SC 379** holds that while exercising the powers under Section 482 Cr.P.C., the Court is not required to conduct a mini trial. It does not require the prosecution/investigating agency to prove the allegations. While exercising the powers under Section 482 of the Cr.P.C the Court has very limited

jurisdiction and is required to consider "whether any sufficient material available to proceed further against the accused for which the accused is required to be tried or not".

5. Confronted with the aforesaid legal position, the learned counsel for the applicant submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicant may be permitted to surrender and move an application, before the court concerned seeking bail and suitable directions may be issued that same may be heard and decided expeditiously, in accordance to law.

6. Accordingly, the instant application is **disposed of** by observing that in case the applicant appears and files an application for his release on bail, the same shall be considered and decided expeditiously in accordance with law, including the law laid down by the Hon'ble Supreme Court in **Satender Kumar Antil v. C.B.I., (2021) 10 SCC 773**.

(Subhash Vidyarthi,J.)

Order Date :- 11.3.2024
Preeti.