
(2022) 07 UK CK 0036

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1143 Of 2022

Faizan Ilahi And Aasif Husain

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 08-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 308, 341

Citation : (2022) 07 UK CK 0036

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Sanjay Kumar, S.T. Bharadwaj

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This is an application under Section 482 of the Code of Criminal Procedure, 1973, filed by the applicants – accused persons, namely, Faizan Ilahi and Aasif Husain with the following main reliefs:-

To quash the charge-sheet, summoning order dated 21.03.2022 and the entire proceedings of Criminal Case No.620 of 2022, "State vs. Faizan Ilahi and Others", pending before the Judicial Magistrate, Jaspur, District Udham Singh Nagar for the offence under Sections 308 and 341 of IPC.

Or

To dispose of the present matter directing the learned trial court to follow the guidelines as per the dictum of the Hon'ble Apex Court in "Satender Kumar Antil vs. Central Bureau of Investigation and Another", (2021) 10 SCC 773.

2. Heard Mr. Sanjay Kumar, the learned counsel for the applicants and Mr. S.T. Bharadwaj, the learned Deputy Advocate General for the State.

3. During the arguments, the learned counsel for the applicants – accused persons submitted that the applicants do not want to press the first relief and requested to dispose of the present matter by directing the concerned court to decide the bail applications of the applicants by granting benefit of the judgment of the Hon'ble Supreme Court in Satender Kumar Antil (Supra). The learned counsel for the applicants further submitted that the applicants were not arrested during the investigation and they cooperated throughout in the investigation including appearing before the Investigating Officer whenever they were called.
4. The learned counsel for the State has no objection.
5. At the request of the learned counsel appearing for the applicants, the first relief to quash the charge-sheet, summoning order and the entire proceedings of the said criminal case are rejected as not pressed.
6. The present Criminal Miscellaneous Application (No.1143 of 2022), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of by directing the concerned court, in case, the present applicants, namely, Faizan Ilahi and Aasif Husain, move bail applications, the concerned court shall consider the same following the directions of the Hon'ble Supreme Court passed in Satender Kumar Antil (Supra).