

(2013) 06 AHC CK 0035
In the Allahabad High Court

Gyanendra Singh and Anr.

APPELLANT

Vs

State of U.P and Anr.

RESPONDENT

Date of Decision : 27-06-2013

Acts Referred:

Citation : (2013) 06 AHC CK 0035

Hon'ble Judges : Vishnu Chandra Gupta, J

Final Decision : Disposed Of

Judgement

Vishnu Chandra Gupta, J.

Heard learned counsel for the petitioners and learned AGA for the State.

By means of this petition under Section 482 Cr.P.C. the petitioners have prayed for quashing the entire proceeding in Case Crime No. 106 of 2008, under Sections 3/4/9 of U.P. Public Examination (Prevention of Unfair Means) Act, 1998, P.S.Kakori, district Lucknow pending in the court of Additional Chief Judicial MagistrateVI, Lucknow.

From the perusal of material on record, it cannot be said that no case is made out against the petitioners. Therefore, at this stage no interference is called for by this Court. The petition lacks merit.

However, if petitioners Gayanendra Singh and Jetendra Awasthi surrender before the court below within two weeks from today and move bail application, the same shall be considered and disposed of expeditiously in accordance with law and also keeping in view the directions contained in the judgment delivered by the Apex Court reported in 2009 (3) ADJ 322 (SC) (Lal Kamendra Pratap Singh Vs. State of U.P.).

For two weeks or till the date of surrender, whichever is earlier, no coercive steps shall be taken against the petitioners.

During the course of hearing this court finds that the order sheet annexed with

this petition which is certified copy to the same shows that from 13.12.2009 till 10.01.2013 no presiding officer signed the order sheet.

District Judge, Lucknow is directed to inquire into the matter and submit a report within a week by fixing the responsibility of the officers posted in the concerned courts commencing from 13.12. 2009 to 10.01.2013. The District Judge also inquire whether the orders passed on different dates and which has not been signed ever complete by sending the process to the accused, if so the details of issuing the process and the report received thereon should also be placed before this Court within a week.

Registrar of this Court shall ensure the compliance of order and communicate the same today to the concerned District Judge.

List after a week.