

---

**(2009) 04 AHC CK 0659**  
**In the Allahabad High Court**

|                                                       |            |
|-------------------------------------------------------|------------|
| Head Constable Dinesh Kumar Upadhyay S/O V.D.Upadhyay | APPELLANT  |
| Vs                                                    |            |
| State of U.P.Thru Prin.Secy.Home & Others             | RESPONDENT |

---

**Date of Decision :** 22-04-2009

**Acts Referred:**

**Citation :** (2009) 04 AHC CK 0659

**Hon'ble Judges :** S.K.SINGH, J and Raj Mani Chauhan, J

---

### **Judgement**

Raj Mani Chauhan, J.

Heard learned counsel for the petitioner and learned A.G.A.

Argument is that petitioner cannot be said to be directly responsible for the irregularity, if any, of over writing and no malafide or any kind of motive on the part of the petitioner can be attributed and the money was never withdrawn in any manner for any benefit by the petitioner.

Notices meant for respondent no. 1 and 2 have been accepted by the learned A.G.A.

Issue notice to respondent no. 3 and 4. Steps will be taken within ten days.

List this case in the week commencing 6th July, 2009.

Counter affidavit may be filed by the next date.

In the meantime it is directed that till the next date of listing or till submission of charge sheet under Section 173 Cr. P.C. whichever is earlier petitioner will not be arrested pursuant to the first information report registered at case crime no. 3012 of 2008, under Sections 420, 467, 468, 471 IPC Police Station Kotwali Sitapur, district Sitapur. However, investigation may go on to which petitioner shall cooperate.