
(2009) 04 AHC CK 0561
In the Allahabad High Court

Mohammad Shajid & Ors

APPELLANT

Vs

State of U.P.& Ors

RESPONDENT

Date of Decision : 15-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0561

Hon'ble Judges : Abdul Mateen, J and Ashwani Kumar Singh, J

Judgement

Ashwani Kumar Singh, J.

Heard learned counsel for the petitioners and learned Additional Government Advocate, who has accepted notices on behalf of the respondents 1 to 3.

Issue notice to respondent no. 4, returnable at an early date.

Connect with Writ Petition No. 3634 (M/B) of 2009.

Let counter affidavit be filed by the respective opposite parties within six weeks. Rejoinder affidavit, if any, may be filed within next two weeks.

Under challenge is FIR relating to case crime no. 93 of 2009, under Sections 419/420, police station Kotwali, district Barabanki.

Submission of learned counsel for the petitioners is that the petitioners happen to be sureties/guarantors with respect to a loan taken by one Mohd. Shahid from the bank as far back as in the year 1999, but when the installments of the loan was not paid, notices were issued from the bank on 10.01.2008. It has been further argued that when the bank personnels saw that they may be found involved in the same, they shifted the burden from their shoulders and lodged the impugned FIR.

Accordingly, we provide that the petitioners shall not be arrested in the aforesaid crime number till further orders of this Court or till submission of charge sheet, whichever is earlier.

Investigation shall go on and the petitioners shall cooperate in the investigation.

List this petition after expiry of the said period.