

(2009) 05 AHC CK 0255
In the Allahabad High Court

Rakesh Kumar alias Rocky

APPELLANT

Vs

State of U.P.& ors

RESPONDENT

Date of Decision : 01-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0255

Hon'ble Judges : Abdul Mateen, J and Raj Mani Chauhan, J

Final Decision : Allowed

Judgement

Raj Mani Chauhan, J.

Heard learned counsel for the petitioner and learned Additional Government Advocate. Gone through the record.

Submission of learned counsel for the petitioner is that the allegations against the petitioner in the F.I.R are to the effect that a cheque was issued in favour of the petitioner (vide Annexure4) amounting to Rs. 17,50,000/ by opposite party no. 3 being repayment of loan amount of Rs. 20,00,000/borrowed by opposite party no. 3 from the petitioner. This fact finds mention in paragraph12 of the petition. It is also submitted that the petitioner had served notice upon opposite party no. 3 on 22nd April 2009 and the present F.I.R is an outcome of the notice.

Issue notice to opposite party no. 3 returnable at an early date. The opposite parties may file counter affidavit within six weeks. Two weeks thereafter are allowed to the petitioner to file rejoinder affidavit.

List the petition immediately thereafter.

Till the next date of listing, or till filing of charge sheet, if any, which ever is earlier, the petitioner shall not be arrested in Case Crime no.532 of 2009 under Sections 420, 467, 468 & 471 IPC of P.S.Gomti Nagar, district Lucknow.