
(1998) 12 AHC CK 0110
In the Allahabad High Court
Case No : Writ Petition No. 3972 (M/B) of 1998

Sharad Gupta

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 16-12-1998

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3

Citation : (1999) 3 ACR 2612

Hon'ble Judges : R.P. Nigam, J;A.N. Gupta, J

Bench : Division Bench

Advocate : Rajendra Kumar Dwivedi, for the Appellant; G.A., for the Respondent

Judgement

A.N. Gupta and R.P. Nigam, JJ.—An FIR against the Petitioner and two other persons and one unnamed person, has been lodged by one Amit Kumar Raidas under Sections 323/504/506, IPC and Section 3(i)(x) of S.C./S.T. Act, P.S Kotwali District Lakhimpur Kheri being case Crime No. 1033/98 which is said to be under investigation. In earlier writ petition No. 3846 (M/B) of 1998 this Court on 4.12.98 directed Superintendent of Police, Lakhimpur Kheri to change the Investigating Officer who was required to complete the investigation independently. Now, this writ petition has been preferred by the Petitioner alleging that Sri Amit Kumar Raidas maker of FIR is the son of Chief Judicial Magistrate posted at Lakhimpur Kheri and therefore, he is not getting assistance of any counsel and he apprehends danger to his life. The Petitioner wants to surrender and apply for bail but wants that some Court in other district be empowered to pass orders.

2. In the circumstances of the case, it is directed that the Petitioner may surrender and move bail application before Chief Judicial Magistrate, Sitapur who shall dispose of the same in accordance with law.

3. The writ petition is disposed of finally in the terms indicated above.