

Court No. - 10

Case :- APPLICATION U/S 482 No. - 3955 of 2018

Applicant :- Jitendra Kumar Singh @ Bablu

Opposite Party :- State of U.P. and Others

Counsel for Applicant :- Purnendu Chakravarty

Counsel for Opposite Party :- Govt. Advocate, Atul Kumar, Mahmood Alam

Hon'ble Dinesh Kumar Singh, J.

1. Heard Mr. Purnendu Chakravarty, learned counsel for the applicant, Mr. Rao Narendra Singh, learned Additional Government Advocate, representing respondent nos. 1, 2 and 3 - State Authorities, as well as Mr. Mahmood Alam, learned counsel for respondent no. 4, Prof. (Dr.) Reeta Bahuguna Joshi, and gone through the record.

2. By way of this application under Section 482 CrPC, the applicant has prayed for quashing of the order dated 20.11.2017 by means of which cognizance was taken and for quashing of the charge-sheet along with all consequential proceedings arising out of Crime No.0384 of 2009, under Sections 147, 148, 149, 436, 307, 427 and 504 IPC lodged at Police Station Husaingaj, District Lucknow, pending in the Court of Special Judicial Magistrate Pollution/CBCID Lucknow

3. The applicant was an Ex-MLA; the FIR was lodged at Police Station Husainganj, District Lucknow by Station House Officer, Mr. B.R. Saroj stating therein that somebody informed him that some persons went to residence of Ms. Reeta Bahuguna Joshi, respondent no. 4; they were trying to break doors and windows of her house and thereafter they set her house on fire; after informing the control-room and fire-brigade, he reached to the place of incident along with riot gear; police arrested some persons in the same night and they were sent to jail.

4. The FIR was registered vide Crime No.0384 of 2009, under Sections 147, 436, 504, 506 and 427 IPC. Name of the applicant came during the course of investigation though he was not specifically named in the FIR. The applicant was arrested and sent to jail. He was enlarged on bail by the Sessions Court vide order dated 08.04.2011. The applicant remained in jail for more than one month.

5. The applicant belongs to the Bahujan Samaj Party led by Ms.

VERDICTUM.IN

Mayawati. Respondent no. 4 was the State President of Congress Party. Later on, she joined Bhartiya Janata Party and got elected as Member of Parliament from Prayagraj Constituency and at present she is Member of Parliament. After lapse of 8 years from the date of occurrence, offences under Sections 307, 148 and 149 IPC have been added by filing a supplementary charge-sheet because of influence of the respondent no. 4 since she was in power as she was elected as Member of Legislative Assembly and became Minister in 2014 and thereafter elected as Member of Parliament in 2019.

6. On behalf of the applicant, Mr. Purnendu Chakravary has submitted that the applicant is ready to face trial, but no purpose would be served by sending him jail inasmuch as he has already been enlarged on bail for the offences for which the charge-sheet was filed in the year 2011. He has further submitted that applicant has already submitted personal bond and surety bonds to the satisfaction of the trial Court concerned.

7. On behalf of respondent no. 4, Mr. Mahmood Alam has submitted that the applicant may be given liberty to surrender before the trial Court and file fresh bonds, however, he should cooperate in the trial so that the same may be concluded at an early date.

8. Considering the aforesaid submissions advanced by the learned counsel for the parties, this application is **disposed of** with a direction to the applicant to surrender before the trial Court and submit fresh bonds and sureties to the satisfaction of the trial Court concerned. On his furnishing personal and surety bonds, the applicant shall be released on bail same day. The trial Court shall proceed with the trial and conclude the same expeditiously, say within a period of one year from today, subject to cooperation by the State and the respondent no. 4.

[D.K. Singh, J.]

Order Date :- 1.12.2022

MVS/-