

Court No. - 80

Case :- APPLICATION U/S 482 No. - 14511 of 2021

Applicant :- Parmatma Prasad Mishra And 10 Others

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

Counsel for Applicant :- Nikhil Kumar, Prashant Kanha

Counsel for Opposite Party :- G.A.

Hon'ble Saumitra Dayal Singh, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the order dated 15.06.2021 passed by the Sub-Divisional Magistrate, Bansi under Section 117 Cr.P.C. in Case No. 1520 of 2021 (State Vs. Parmatma & Ors.), under Sections - 107/116 Cr.P.C., Police Station - Pathara Bazar, District - Siddharth Nagar.

3. Having heard learned counsel for the parties and having perused the record, it does appear that there is no denial to the fact statement made in the application that necessary inquiry under Section 116 Cr.P.C. was not conducted before issuance of the order dated 15.06.2021.

4. Though learned AGA would contend that the emergent situation that existed, that condition stood dispensed, there is no material as may inspire confidence in the contention raised by the State.

5. Accordingly, the present application is **allowed**. The order dated 15.06.2021 passed by the Sub-Divisional Magistrate is set aside and the matter is remitted to the said authority to pass a fresh order, strictly in accordance with law.

Order Date :- 29.11.2021

Abhilash