

Court No. - 77

Case :- APPLICATION U/S 482 No. - 20610 of 2024

Applicant :- Kailash Chandra Kapri

Opposite Party :- State Of Up And 4 Others

Counsel for Applicant :- Ankur Azad, Shashwat Anand

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Heard Shri Shashwat Anand, learned counsel for the applicant and Sri Pankaj Kumar Rai, learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the order dated 22.05.2024 passed by learned A.C.J.M. (Railway), Allahabad in Case No. 545 of 1991 arising out of Case Crime No. 115 of 1989, under Sections 147, 323, 504 of I.P.C. and 120 of Railway Act, Police Station- GRP Rambagh, District Allahabad, whereby the application to stop the prosecution against the applicant has been dismissed.

Learned counsel for the applicant submits that the impugned order has been passed without considering the facts and circumstances of the case and position of law. It is further submitted that the case is pending since 1991 about 33 years ago and the prosecution has not examined single witness till today. In support of his submission, learned counsel for the applicant relied upon a judgment of Apex Court in **Vakil Prasad Singh Vs. State of Bihar (2009) 3 Supreme Court Cases 355.**

Prima facie, matter requires consideration.

Notice on behalf of opposite party nos. 1 to 5 has been accepted by learned A.G.A.

Learned A.G.A. may file counter affidavits within two weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the applicant.

Order Date :- 3.12.2024

Ishan