

Court No. - 66

Case :- APPLICATION U/S 482 No. - 14867 of 2020

Applicant :- Shahabuddin And Another

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

Counsel for Applicant :- Amit Kumar, Akash Tyagi

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

Heard Sri Amit Kumar, learned counsel for the applicant and Sri Vinod Kant, learned Additional Advocate General assisted by Sri Arvind Kumar, learned AGA appearing on behalf of the State.

The applicants challenge the proceedings of Case Crime No. 8475 of 2019 State vs Ali Hasan and others (arising out of Case Crime No. 113 of 2019), under Sections 147, 148, 149, 323 IPC, P.S. Syohara, District Bijnor. The submission of learned counsel for the applicants is that he is one of the many persons credited with the role of rioting and the evidence against them is all cooked up. There is absolutely no tangible evidence to connect him to the crime.

Learned Additional Advocate General has vehemently opposed the motion to admit this application to hearing. He submits that this is a case of rioting and obstructing the Police in the discharge of their duties.

This Court has perused the impugned chargesheet and the papers that give rise to these proceedings. It appears from a perusal of the police papers that it is a case which shows a new found behaviour amongst citizens of disobeying the law. It *prima facie* originates in allegations about two young men asked to stop their two-wheelers for the purpose of a roadside checking by police personnel. They did not stop but moved ahead. This led to an accident where both young men received injuries. They were dispatched to medical care by the police personnel. Soon thereafter a big congregation assembled, who indulged in protest against the police. They blocked the road and prevented vehicle movement. The unlawful assembly of which the applicants were members and are nominated in the FIR attacked the police personnel; they assaulted the police with sticks and iron-rods. The congregation comprises some 200-300 men. They also threw brickbats at the police leading to two policemen, Constable Vipin Kumar and Constable Yashpal sustaining injuries. *Prima facie*, the act of the applicants and all those who were part of this mob, constitutes an offence that strikes at the roots of established order in

society.

Of course, this is not to say that this charge is true. It has to be tested at the trial. But the fact that the applicant asks this chargesheet to be quashed is almost preposterous. There is absolutely no abuse of process of Court involved in the matter. Accordingly, this application is **rejected**.

Order Date :- 8.10.2020

Deepak