

Court No. - 74

Case :- APPLICATION U/S 482 No. - 8258 of 2020

Applicant :- Purushottam Singh And 4 Others

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

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- Bachan Singh,G.A.,Vimal Kumar Pandey

Hon'ble Saurabh Shyam Shamsbery,J.

1. Heard Sri Rajesh Kumar Singh, learned counsel for applicants, Pramod Tripathi, Advocate holding brief of Sri Vimal Kumar Pandey, learned counsel for complainant and learned A.G.A.

2. It is very strange that a dead person has not only lodged an FIR, but has recorded his statement before Investigating Officer and thereafter a vakalatnama has also been filed on behalf of him in the present case. It appears that all the proceedings are undertaken by a ghost.

3. A fact that complainant (Shabd Prakash) has died on 19.12.2011 is being corroborated from a report submitted by Chief Judicial Magistrate, Kushinagar on basis of statement of his wife alongwith copy of death certificate. In present case said dead person (a ghost) has lodged an F.I.R. in the year 2014 i.e. after three years of his death and thereafter not only he has recorded his statement but a charge sheet was also filed on 23.11.2014 wherein he was proposed as one of prosecution witness.

4. The Court is speechless that how investigation was conducted by Investigating Officer by recording a statement of a dead person, therefore, not only proceedings of Case No. 3979 of 2019, arising out of Case Crime No. 1028 of 2014, under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Kotwali Hata, District Kushinagar are quashed, but it is directed that Superintendent of Police, Kushinagar will take note of facts of present case that a ghost is creating trouble to innocent person by lodging FIR, giving his statement and conduct an enquiry against concerned I.O. and be placed in record of this case.

5. Sri Vimal Kumar Pandey, learned Advocate has filed a vakalatnama on behalf of Shabd Prakash on 19.12.2023, signed by

one Mamta Devi, without disclosing that said Shabd Prakash has died even before lodging FIR. A copy of the order is sent to President Allahabad Bar Association to take note and to advise the Advocate concern to remain cautious in future .

6. Accordingly, this application is **disposed of**.

Order Date :- 6.8.2024

SK Srivastava/AK