

Court No. - 77

Case :- APPLICATION U/S 482 No. - 10075 of 2024

Applicant :- Remo D Souza

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

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- Akash Tyagi,G.A.,Pankaj Kumar Tyagi,Satyendra Kumar Singh

Hon'ble Rajeev Misra,J.

Heard Mr. Vijit Saxena, the learned counsel for applicant, the learned A.G.A. for State and Mr. Pankaj Kumar Tyagi, the learned counsel for first informant.

Perused the record.

Applicant Remo D Saouza, has preferred this application under section 482 Cr.P.C. with the following prayer:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be of 2021 as well as cognizance order dated 28.10.2020 in case no. 5406 of 2020 and entire proceedings of case no. 5406 of 2020 (State no. 1725 of 2016, under section 420, 406, 386 of Indian Penal Code, 1860, Police Station Sihani gate, District Ghaziabad, pending in the court of A.C.J.M. III, Ghaziabad.

Further this Hon'ble court may graciously be pleased to stay the further proceedings in case no. 5406 of 2020 (State versus Remo D' souza), arising out of case crime no. 1725 of 2016, under section 420, 406, 386 of Indian Penal Code, 1860, Police Station Sihani gate, District Ghaziabad, pending in the court of A.C.J.M. III, Ghaziabad, during the pendency of present Criminal Misc. Application before this Hon'ble court, otherwise the applicant shall suffer irreparable loss and injury."

At the very outset, the learned A.G.A. has raised a preliminary objection by submitting that Police Report dated 25.9.2020, submitted by Investigating Officer in terms of Section 173(2) has not been challenged in present application. In the absence of any challenge to the charge sheet, prayer prayed for by means of present application is misconceived. As such, present application is liable to be dismissed.

When confronted with above, the learned counsel for applicant could not overcome the same.

Having heard the learned counsel for applicant, the learned A.G.A. for State and upon perusal of record, this Court finds that the charge sheet dated 25.9.2020 submitted against applicant has not been challenged in the present application. In the absence of any challenge to the charge sheet, no relief as prayed for by means of present application can be granted.

As such, present application fails and is liable to be dismissed.

It is accordingly **dismissed**.

Order Date :- 23.8.2024

Arshad