

Court No. - 64

Case :- APPLICATION U/S 482 No. - 26217 of 2022

Applicant :- Abdul Kadeer Khan

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Swapnil Sinha

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Swapnil Sinha, learned counsel for the applicant and Shri Paritosh Kumar Malviya, learned AGA-I for the State.

The applicant has assailed the proceedings under Sections 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act.

The gang chart depicts the following cases:

A. Case Crime No. 657/2019, under Sections 420 and 406 I.P.C. Police Station Kotwali, District Jhansi.

B. Case Crime No. 658/2019, under Sections 420 and 406 I.P.C., Police Station Kotwali, District Jhansi.

The proceedings in both the aforesaid cases have been quashed by this Court by orders dated 07.08.2023 rendered in Application U/S 482 Cr.P.C. No. 18653 of 2021 (Abdul Kadeer Khan Vs. State of U.P. and others) and Application U/S 482 Cr.P.C. No. 18482 of 2021 (Abdul Kadeer Khan Vs. State of U.P. and others).

Once the proceedings of the base cases depicted in the gang chart are quashed or the accused has been acquitted, the proceedings under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act are liable to be quashed [**Ref: Salim @ Piyao Vs. State of U.P. rendered by this Court in Criminal Revision No. 2541 of 2011 and Jai Prakash and others Vs. State of U.P. rendered by this Court in Criminal Revision No. 3309 of 2008**].

In wake of the preceding discussion, since the base cases have been quashed, the proceedings registered as Sessions Trial No. 487 of 2022 (State Vs. Nathu @ Nathuram Kushwaha and others) under Section 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act are liable to be quashed and are hereby quashed.

The present application is, accordingly, allowed.

Order Date :- 11.1.2024
Dhananjai