

**Court No. - 67**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 7901 of 2023

**Petitioner :-** Devendra Singh And 4 Others

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Kamendra Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Rahul Chaturvedi,J.**

**Hon'ble Gajendra Kumar,J.**

Heard learned counsel for the petitioners as well as learned A.G.A.

This is a strange case where after 17 years of the lodging of the FIR(date of lodging is 06.05.2006) against 106 persons including the petitioners, now, the petitioners are in receipt of notice under section 160 of Code of Criminal Procedure dated 19.04.2023, summoning him to record his statement.

Learned counsel for the petitioners submits that petitioner no.1-Devendra Singh has retired as Gram Panchayat Vikas Adhikari, petitioner no.2-Parashuram@Parashuram also superannuated from the post of A.D.O.(Panchayat), petitioner no.3-Ram Kishun@Ramkishun Yadav retired as Block Pramukh and respondent no.4 and 5, Kotedar at relevant point of time.

The next contention raised is that after lapse of 17 years, the investigation is still going on without any cogent result and the petitioners are more than willing and ready to cooperate in the investigation provided the interest of the petitioners are protected.

We have seen the allegation and accusation made in the FIR. After 17 years of lodging of the FIR, this exercise, being carried out by the police, is strange and mockery of the criminal jurisprudence.

However, the interest of the petitioners are protected for a period of one month from today with the liberty that in case, the petitioners shall apply for anticipatory bail, his anticipatory bail will be considered sympathetically, keeping in view that the petitioner has already attained the age of superannuation and the matter relates to the year 2006, by the court concerned within a period of one week of its filing. However, it is open that the petitioners would cooperate with the investigation.

With this observation, the present writ petition stands disposed of.

**Order Date :-** 23.5.2023/Sumit S