

Court No. - 9

Case :- MISC. BENCH No. - 26220 of 2021

Petitioner :- Abhay Kumar Gupta

Respondent :- State Of U.P.Thru.Secy.Home,Lucknow & Ors.

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Devendra Kumar Upadhyaya,J.
Hon'ble Mrs. Saroj Yadav,J.

Notice on behalf of respondent nos.1 to 3 has been accepted by the office of the learned Government Advocate.

Issue notice to respondent no.4 returnable at an early date. Steps be taken within a week.

Respondents may file counter affidavit within four weeks. Two weeks' time thereafter shall be available to learned counsel for the petitioner to file rejoinder affidavit.

List after expiry of the aforesaid period.

Under challenge in this petition is the F.I.R. lodged on 6.10.2021 registered as Case Crime No.614 of 2021, under Sections 419, 420, 171 I.P.C., Police Station Kotwali Nagar, District Rae Bareli.

Submission of learned counsel for the petitioner is that the petitioner is a law student and has been interning with an Advocate who is practising in District Court, Rae Bareli. He has further stated that due to curiosity and as a part of his training, the petitioner has been attending the court proceedings.

Learned counsel for the petitioner has also drawn attention of the court to the order dated 4.10.2021 passed by the Presiding Officer, Motor Accidents Claim Tribunal wherein it has been recorded that on being asked, the petitioner told the Presiding Officer that he is a law student and not a practising lawyer.

It does not appear to be a case where the petitioner is said to have impersonated himself as a lawyer. From the order dated 4.10.2021 passed by the Presiding Officer, it appears that the

petitioner was present in the Tribunal in civil dress without adorning the robes.

Prima facie, it appears to us that the petitioner over-zealously attempted to seek adjournment in a case where one of the parties appears to have been represented by the learned Advocate under whom the petitioner was interning.

Having regard to the over all facts and circumstances of the case, we hereby direct that till the next date of listing, the petitioner -Abhay Kumar Gupta shall not be arrested pursuant to the impugned F.I.R. No.614 of 2021 (supra). However, the petitioner shall cooperate with the investigation.

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(Saroj Yadav,J) (Devendra Kumar Upadhyaya)

Order Date :- 11.11.2021
Shukla