

Court No. - 77

Case :- APPLICATION U/S 482 No. - 46866 of 2023

Applicant :- Jayant Chaudhary @ Jayant Kumar Singh

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

Counsel for Applicant :- Imran Ullah, Dharam Veer Singh, Mohammad Khalid, Vineet Vikram

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1- This application under Section 482 Cr.P.C. has been filed by the applicant-Jayant Chaudhary @ Jayant Kumar Singh with the prayer to quash the charge-sheet dated 12.10.2022, cognizance order dated 30.10.2023 and proceedings of Case No. 16331 of 2023 (State Vs. Akhilesh Yadav and others) arising out of Case Crime No. 78 of 2022, under Sections 188, 269, 270 IPC and Section 3/4 Epidemic Diseases Act, Police Station Dadri, District Gautam Buddh Nagar pending in the court of Civil Judge (Senior Division)/F.T.C./M.P./M.L.A., Gautam Buddh Nagar.

2- Heard Mr. Imran Ullah, learned Advocate, assisted by Mr. Vineet Vikram and Mr. Dharam Veer Singh, learned counsel for the applicant, Mr. Shashi Dhar Pandey, learned Additional Government Advocate for the State of U.P./opposite party no. 1 and perused the record.

3- Brief facts of the case which are required to be stated for consideration of stay application of the applicant are that on 04.02.2022, Sub-Inspector Neeraj Kumar lodged a first information report for the offence under Sections 188, 269, 270 IPC and Section 3/4 Epidemic Diseases Act against Akhilesh Yadav (National President, Samajwadi Party), the present applicant Jayant Chaudhary @ Jayant Kumar Singh (National President, Rashtriya Lok Dal) and 12 other persons, namely, Rajkumar Bhati, Indra Pradhan, Mahendra Bhati, Shyam Singh Bhati, Kuldeep Bhati, Sudhir, Harun Saifi, Julfakar Malik, Nasru Member, Taufiq Ali, Sabir Neta Ji and Danish as well as 300-400 unknown persons making allegations inter-alia that on 03.02.2022 at 22:30 P.M., Akhilesh

Yadav (National President, Samajwadi Party) and the applicant Jayant Chaudhary @ Jayant Kumar Singh (National President, Rashtriya Lok Dal) along with some people were travelling on the Samajwadi Rath from Luharali Gate near the toll tax of the police station area and went towards Noida via GT Road via Kasba Dadri at around 22:40 hours. During this period, they were welcomed by the co-accused persons and in that process, about 300-400 people have assembled there violating the guidelines of Covid-19 which endangered spreading of pandemic. F.I.R. also alleges that at that time, the proclamation under Section 144 Cr.P.C. and Model Code of Conduct were also in force. From 22:00 hours to 08:00 hours, there was prohibition on canvassing and in that way, proclamation under Section 144 Cr.P.C., Covid-19 guidelines as well as Model Code of Conduct-2022 were violated.

4- After culmination of investigation, charge-sheet dated 12.10.2022 has been submitted against all the named accused persons including the applicant, on which, Civil Judge (Senior Division)/F.T.C. took cognizance on 30.10.2023 and summoned the accused persons to face trial.

5- Main substratum of argument of learned counsel for the applicant is that the applicant has been falsely implicated due to political reasons. The investigating officer under the influence of ruling party did not conduct fair investigation. The criminal proceeding against the applicant is nothing but a malicious prosecution. It is next submitted that the proceeding of the aforesaid Case No. 16331 of 2023 in respect of co-accused Akhilesh Yadav has already been stayed by this Court vide detailed order dated 05.12.2023 passed in Criminal Misc. Application under Section 482 Cr.P.C. No. 44373 of 2023 and case of the present applicant stands on better footing than that of co-accused Akhilesh Yadav, therefore, the applicant is also entitled for interim relief. It is also pointed that in above noted application filed by Akhilesh Yadav, no counter affidavit has yet been filed by the State.

6- Mr. Shashi Dhar Pandey, learned A.G.A. appearing on behalf of the State fairly submits that case of present applicant Jayant Chaudhary @ Jayant Kumar Singh stands on better footing than that of co-accused Akhilesh Yadav, who has been granted interim protection as noted above.

7- Learned A.G.A. prays for and is allowed four weeks' time to file counter affidavit.

8- Rejoinder affidavit, if any, may be filed by the applicant within two weeks thereafter.

9- Considering the facts and circumstances of the case as well as order dated 05.12.2023 passed by Coordinate Bench of this Court in Application under Section 482 Cr.P.C. No. 44373 of 2023 filed by co-accused Akhilesh Yadav, prima facie, matter requires consideration.

10- List this case on 20.02.2024.

11- Till the next date of listing, further proceeding of the aforesaid case against the applicant Jayant Chaudhary @ Jayant Kumar Singh shall remain stayed.

Order Date :- 8.1.2024

Shubham