

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 14678 of 2023

Petitioner :- Smt. Jasoda And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Nirbhay Singh

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Vivek Kumar Singh,J.

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

Yesterday, case called out and Sri Nirbhay Singh, learned counsel for the petitioner filed the writ petition challenging the FIR no.0234 of 2023 Police station-Ganjdundwara, District-Kasganj under sections 363 and 366 IPC.

The cause list indicates that same petitioner-Smt. Jasoda, on the earlier occasion, filed Criminal Misc. Writ Petition No.14160 of 2023. After making an inquiry, it was revealed that on the earlier occasion too, same FIR no.0234 of 2023 was under challenge and co-ordinate Bench of this Court vide order dated 06.09.2023 dismissed the aforesaid petition.

In all fairness, the petitioner ought to have been revealed the previous order of this Court. It is interesting to mention that the deponent of Criminal Misc. Writ Petition No.14160 of 2023 are one and the same i.e. Ms. Jasoda and Veer Bhadur.

Yesterday, we have directed the Registry to provide the record of Criminal Misc. Writ Petition No.14160 of 2023 and the order was passed in the presence of Sri Nirbhay Singh, learned counsel for the petitioners but when the case called out, Sri Nirbhay Singh is not present in the Court and he is deliberately avoiding the court proceeding. Under the circumstances, with the aid and help of learned A.G.A., we are proposing to decide the fate and future of the present petition.

From the record, it is clear that the same FIR no.234 of 2023 is the subject matter of both the petitions and the present petition was presented for reporting on 13.09.2023 whereas the earlier writ

petition was rejected on 06.09.2023 and within next five days, fresh petition was prepared and argued by Mr. Nirbhay Singh (having enrollment no.U.P. 10854/2000, Advocate Roll No.A/N-0234/2012) has moved this petition. The conduct of the petitioner as well as counsel of the present petition is highly deplorable and condemned in its strongest terms. It is cheating qua the client as well as the Court. It is established that without taking leave from the Court, no second writ petition could be filed but the petitioner has got an audacity to file successive writ petition for the same cause of action.

This position is not at all, acceptable and to be dealt with iron hands. We are REJECTING the present petition with the exemplary cost of Rs.50,000/-(Rs. Fifty Thousands only) upon the petitioners, that they shall have to have get the amount deposited by 10th of October, 2023 before the Registrar General of this Court, failing which, the District Magistrate, Kasganj is directed to recover the amount of Rs.50,000/-(Rs.Fifty Thousands only) by way of 'land revenue' and get the same recovered from the petitioner and get the amount deposited in the Allahabad High Court Legal Services Committee by 30th October, 2023 positively. No laxity would be tolerated in this regard and the District Magistrate shall be responsible.

Let copy of this order may be given to learned A.G.A. for serving the copy to the Registrar General as well as the District Magistrate, Kasganj for strict compliance of this order within 48 hours.

With the aforesaid observation, the present petition stands DISMISSED.

Order Date :- 19.9.2023

Sumit S