

Court No. - 67

Case :- MATTERS UNDER ARTICLE 227 No. - 3135 of 2022

Petitioner :- Saurabh Tiwari

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

Counsel for Petitioner :- Amitabh Trivedi

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Heard Sri Amitabh Trivedi, learned counsel for the petitioner, learned AGA for the State and perused the record.

The present matter under Article 227 of the Constitution of India is being filed challenging the order dated 23.12.2020 whereby the application under Section 156(3) Cr.P.C. has been rejected by the learned Judicial Magistrate-I, Varanasi. The same was challenged before the revisional court, the revisional court too has rejected the revision affirming the order dated 23.12.2020.

Since the 156(3) Cr.P.C. application has been rejected and in the light of judgement of Hon'ble Apex Court in the case of **Sakiri Vasu Vs. State of U.P. and others** in **Appeal (Crl.) No. 1685 of 2007** decided on **07.12.2007**, the petitioner has alternative remedy to invoke the proper proceedings against the proposed accused, if so advised.

With the aforesaid observation the present matter under Article 227 of the Constitution of India stands disposed of.

Order Date :- 28.4.2022

Abhishek Sri.