

Court No. - 69

Case :- APPLICATION U/S 482 No. - 7045 of 2002

Applicant :- Jagdeo Singh

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

Counsel for Applicant :- K.K. Dwivedi, Gopal Khare, R.P. Dwivedi, U.N. Khare

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Samit Gopal, J.

1. List revised. No one appears on behalf of the applicant to press this bail application despite the fact that there are four learned counsels appearing in the matter. Sri Bade Lal Bind, learned counsel for the State is present.

2. The present application under Section 482 Cr.P.C. has been filed by the applicant Jagdeo Singh with the following prayers:

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to quash the Chargesheet and entire Criminal proceeding In Case No.574/IX/2002, Under Section 60/63 Excise Act (Case Crime No.14/2002, P.S. Kotwali, Banda), State of U.P. Versus Jegdeo Singh, pending in the court of Chief Judicial Magistrate, Banda.

It is, further prayed that this Hon'ble Court may graciously be pleased to stay the further proceeding in Case No.574/IX/2002, Under Section 60/63 Excise act (Case Crime No-14/2002, P.S. Kotwali, Banda), State of UP. Versus Jagdeo Singh, pending in the Court of Chief Judicial Magistrate, Banda.

And/or to pass such other and further orders which this Hon'ble Court may deem fit and proper under the circumstances of the case."

3. On 30.10.2023 the following order was passed by this Court:

"1. List revised.

2. Sri Gopal Khare, learned counsel for the applicant and Sri Bade Lal Bind, learned counsel for the State are present.

3. Learned counsel for the State states that he has filed counter affidavit in the office on 22.12.2010 but the same is not on record.

4. Office is directed to trace out the same and place it on record by the next date.

5. Learned counsel for the applicant prays for and is granted as a last opportunity of three weeks to file rejoinder affidavit to the same.

6. Let the matter be listed on 30.11.2023 peremptorily."

4. As per office report dated 29.11.2023 counter affidavit has been traced out which has been placed on record. As per records, no rejoinder affidavit is on record. The matter was directed to be listed peremptorily today. Despite the same no one appears on his behalf to press this application under Section 482 Cr.P.C.

5. It appears that learned counsel for the applicant has lost interest in the matter.

6. In view of the above, the present application is dismissed for want of prosecution.

7. Interim order, if any, stands vacated. Office to communicate to the concerned trial court about this order within two weeks.

Order Date :- 30.11.2023

M. ARIF

(Samit Gopal, J.)