

Court No. - 90

Case :- APPLICATION U/S 482 No. - 16584 of 2007

Applicant :- Ravendra Kumar Dubey And Others

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

Counsel for Applicant :- Akash Mishra, Hare Ram, Sucheta Pathak

Counsel for Opposite Party :- Govind Saran

Hon'ble Dinesh Pathak, J.

In Ref:- (Crl. Misc. Delay Condonation Application No.4 of 2023 and Restoration Application No.5 of 2023)

1. Heard learned counsel for applicants and learned AGA
2. Instant restoration application along with delay condonation application have been filed on 12.09.2023 assailing the order dated 27.05.2022 which was passed by this Court dismissing the original application under Section 482 Cr.P.C. for want of prosecution.
3. No counter affidavit has been filed.
4. Cause shown for the delay in filing the restoration application as well as non appearance of the applicant as averred in the aforesaid application are satisfactory and to the satisfaction of the Court. As such, delay condonation application as well as restoration application are **allowed**. Delay in filing the restoration application is condoned and the order dated 27.05.2022 passed by this Court, dismissing the original application under Section 482 Cr.P.C. in default, is recalled and the application under Section 482 Cr.P.C. is restored to its original number.

Order on application under Section 482 Cr.P.C.

1. Heard learned counsel for applicants and learned AGA.
2. The present applicant has invoked the inherent jurisdiction of this Court under Section 482 CrPC beseeching the quashing of order dated 12.1.2000 passed by learned Judicial Magistrate-I Chhibramau in Case No.1578 of 2021 (State Vs. Ravendra Kumar and others) arising out of Case Crime No.659 of 1999, under Section 406 I.P.C., Police Station Chhibramau, District Kannauj, pending in the court of learned Judicial Magistrate-I Chhibramau,

District Kannauj.

3. After due deliberation at length, without addressing the merits of the case, learned counsel for applicants submits that due to some unavoidable circumstances present applicants could not appear before the court below and participate in the proceeding, therefore, some protection may be granted to the present applicants so that they may appear before the court below and participate in the court proceeding. It is further submitted that present applicants are not intended to ignore the court proceeding.

4. In this conspectus, as above, no useful purpose would be served to keep this instant application pending, therefore, this Court deems it appropriate to decide the present application finally, without considering the merits of the case as mentioned in the instant application, with a direction that the present applicants, in case, appear/surrender before the court below and file a bail application within a period of three weeks from today, same shall be considered and decided by court concerned within a period of two weeks, thereafter.

5. In the instant of justice, for a period of five weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be taken against the present applicants in the aforementioned proceedings.

6. With the aforesaid direction, present application is **disposed of**.

Order Date :- 4.12.2023

Md Faisal