

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 7049 of 2023

Petitioner :- Dhirendra Kumar

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

Counsel for Petitioner :- Vishesh Kumar, Surendra Kumar Patel

Counsel for Respondent :- G.A., Krishna Dutt Tiwari

Hon'ble Mrs. Jyotsna Sharma, J.

1. Case called out in the revised list. None responds for either sides, therefore heard Sri Himanshu Kumar, learned AGA for the State and perused the papers on record.

2. By means of this petition, the petitioner has challenged the order dated 08.12.2022 passed by the C.J.M., Allahabad in case crime no. 336 of 2022 under sections 323, 304, 504, 506 IPC, by which the court passed an order issuing non-bailable warrant.

3. From perusal of the papers, this admitted fact is revealed that earlier the order issuing non-bailable warrant was challenged in a proceeding drawn under section 482 Cr.P.C., criminal misc. application no. 20066 of 2023 (Dhirendra Kumar vs. State of UP and Another). This application u/s 482 Cr.P.C. was dismissed by a coordinate Bench of this Court on 21.06.2023 and the applicant/petitioner was given a liberty to avail appropriate remedy. It is submitted on behalf of the State that the applicant/petitioner was in fact granted liberty to surrender and apply for bail, however, instead of availing that remedy, he has filed this petition under Article 227 of the Constitution.

4. I perused the impugned order and other material on record. I do not find any good ground to interfere in the order, therefore, it is **dismissed**.

Order Date :- 6.11.2023

#Vikram/-