

Court No. - 90

Case :- APPLICATION U/S 482 No. - 28572 of 2023

Applicant :- Shri Narayan And 3 Others

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

Counsel for Applicant :- Arvind Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. The present applicants have invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of impugned order/ non bailable warrant dated 08.08.2019 as well as subsequent orders passed by Chief Judicial Magistrate, Gorakhpur in Case No.1165 of 2003 (State vs. Rajeshwar and others), arising out of Case Crime No.1281 of 2022, under Sections 419, 420, 467, 468 I.P.C., Police Station Cantt., District Gorakhpur, pending in the court of learned Chief Judicial Magistrate, Gorakhpur.
3. After due deliberation at length on the merits of the case, learned counsel for the applicants submits that, without addressing on the merits of the case, some protection may be given to the present applicant, so that, he may appear before the court below and participate in the proceeding continued. Further submitted that due to inadvertence present applicants could not appear before the court below to participate in the proceeding. It is further submitted that initially bail was granted in favour of the present applicants, however, at subsequent stage, he could not appear due to some personal reasons, now he is ready to co-operate with the court proceedings.
4. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, instant application is being decided finally without considering the merits of the case, with a direction that, in case, the present applicants appear and surrender before the trial court concerned and move a bail application within a period of two weeks from today, the same shall be considered and decided by the learned court concerned within a period of two weeks, thereafter.

5. For a period of four weeks or till the decision on the bail applications, whichever is earlier, the effect and operation of the order dated 08.08.2019 passed by the trial court issuing non-bailable warrants against the present applicants shall be kept in abeyance and no coercive action shall be taken against them in Case Crime No.1281 of 2022.

6. With the aforesaid observation, this application is disposed of.

Order Date :- 13.10.2023

Jitendra