

Court No. - 91

Case :- APPLICATION U/S 482 No. - 29493 of 2023

Applicant :- Shiv Singh

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

Counsel for Applicant :- Rahul Chaudhary, Ajay Singh Sengar, Vijay Singh Sengar

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard counsel for the applicant, learned A.G.A for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed to quash the non-bailable warrant order dated 27.05.2022 along with cognizance/ summoning order dated 02.01.2020 along with proceedings under section 82 and 83 Cr.P.C. as well as the entire proceeding of Special Case No.04P of 2020 (State vs. Shiv Singh) in connection with case crime no.713 of 2019, under sections 363, 366, 376 I.P.C. and 3/4 POCSO Act, P.S. Auraiya, District Auraiya pending in the court of Special Judge POCSO Act, Auraiya and further prayer to stay the further proceedings of the aforesaid case has been made.

3. The only submission raised by learned counsel for the applicant is that the court concerned vide order dated 27.05.2022 has issued non-bailable warrant for appearance of the applicant. Counsel for the applicant has urged that an opportunity be granted to the applicant to file an application for recall of the order issuing non-bailable warrant/ move an application for recall of 82 and 83 Cr.P.C.

4. Learned AGA has no objection to the said prayer.

5. The prayer for quashing the entire proceeding of aforesaid criminal case is hereby refused.

6. However, it is provided that if the applicant files an application for recall of the order issuing non-bailable warrant/ an application for recall of 82 and 83 Cr.P.C. within four weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.

7. For a period of four weeks, the effect and operation of non bailable warrant issued against the applicant and the process of 82 and 83 Cr.P.C. shall be kept in abeyance.

8. In the event of failure, on the part of the applicant to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

9. With the aforesaid observations, this application is finally **disposed of.**

Order Date :- 9.11.2023

Shiv