

Court No. - 88

Case :- APPLICATION U/S 482 No. - 30234 of 2023

Applicant :- Rahul

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

Counsel for Applicant :- Bindeshwari Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the order of non-bailable warrant dated 06.03.2023 issued against the applicant in S.T. No. 3802 of 2016 (*State vs. Rahul and another*) arising out of case crime no. 138 of 2016, under Sections 457, 380 I.P.C., Police Station Etmaddaula, District Agra pending in the court of Additional Chief Judicial Magistrate, Agra.

3-It is submitted by the learned counsel for the applicant that due to unavoidable reason, applicant could not appear before the Court below. Impugned non bailable warrant has wrongly been and illegally issued by the concerned Court below against the applicant.

4-On the other hand learned Additional Government Advocate contended that in this case, charge sheet has been submitted on 11.08.2016 and non-bailable warrant has been issued in the year 06.03.2023 and since then applicant is absconding.

5-Admittedly, order sheet of the lower Court indicate that applicant is playing hide and seek with the Court and wants this Court to come to his rescue by exercising its inherent jurisdiction. On account of non appearance of the applicant before the Court concerned, non bailable warrant has been issued against him.

6-Having considered the submissions of learned counsel for the parties and looking into the conduct of the applicant in the lower court, I find no good ground to interfere with the order of lower court issuing non-bailable warrant.

7-In view of the above, the relief claimed by the applicant is refused.

8-The application lacks merit and is accordingly ***dismissed***.

Order Date :- 16.11.2023

Saurabh