

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 35805 of 2023

**Applicant :-** Amin @ Salman

**Opposite Party :-** State Of U.P. .And Another

**Counsel for Applicant :-** Kalim Uddin

**Counsel for Opposite Party :-** G.A.

**Hon'ble Anish Kumar Gupta,J.**

1. Heard Sri Kalim Uddin, learned counsel for the applicant and Sri Ajay Srivastava, learned counsel for the State.

2. The instant application has been filed seeking quashing of the non-bailable warrant dated 19-12-2021 and 17-11-2022 passed by learned Special Chief Judicial Magistrate, Agra, in Criminal Case No. 4663 of 2021 (State Vs. Jaiveer and Others), arising out of case crime no. 91 of 2021, under Sections 457, 380 IPC, P.S. Sikandra, district Agra, pending in the court of Special Chief Judicial Magistrate, Agra.

3. Learned counsel for the applicant submits that he was continuously appearing before the trial court till 27-10-2021 and on the next date fixed i.e. 19-12-2021 he could not appear and subsequently on 11-02-2021, 24-03-2022 and 22-04-2022 he was appearing before the Court and putting his signatures on the order-sheet and despite his appearance the non-bailable warrants were continuously issued against the applicant and subsequently from 23-05-2022 he is not appearing before the trial court when the applicant realised that the non-bailable warrants have been issued against him. Learned counsel for the applicant further submits that the applicant undertakes to appear before the trial court on each and every date whenever it is required by the trial court.

4. In view thereof, the instant application is **disposed of** with a direction to the applicant herein to appear before the trial court and apply for recall of the order dated 19-12-2021 issuing non-bailable warrant against the applicant herein within two weeks from today. Learned Special Chief Judicial Magistrate, Agra shall consider his application seeking recall of the order dated 19-12-2021 in accordance with law.

5. Till the period of two weeks, no coercive steps shall be taken against the applicant in pursuance of non-bailable warrant dated 19-12-2021 and 17-11-2022 passed by learned Special Chief Judicial Magistrate, Agra, in Criminal Case No. 4663 of 2021 (State Vs. Jaiveer and Others), arising out of case crime no. 91

of 2021, under Sections 457, 380 IPC, P.S. Sikandra, district Agra, pending in the court of Special Chief Judicial Magistrate, Agra.

**Order Date :- 21.11.2023**

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