

Court No. - 91

Case :- APPLICATION U/S 482 No. - 31689 of 2023

Applicant :- Kallo And 4 Others

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

Counsel for Applicant :- Ashok Kumar Singh, M.P.S. Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

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

This application under Section 482 Cr.P.C. has been filed to quash the summoning order dated 19.12.2020 along with non-bailable warrant order dated 25.07.2023 passed by Additional District & Sessions Judge/Fast Track Court, Agra, as well as the entire proceeding of Sessions Trial No. 546 of 1997 (State vs. Zafuddin and others), arising out of Case Crime No. 41 of 1997, under sections 364, 368, 376, 395, 506 I.P.C., P.S. Etmadaula, District Agra, pending in the court of Additional District Judge-3/ Special Judge (D.A.A.), Agra.

The only submission raised by learned counsel for the applicants is that the court concerned vide order dated 19.12.2020 has issued non-bailable warrant for appearance of the applicants. Counsel for the applicants has urged that an opportunity be granted to the applicants to file an application for recall of the order issuing non-bailable warrant.

Learned AGA has no objection to the said prayer.

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

However, it is provided that if the applicants file an application for recall of the order issuing non-bailable warrant within four weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.

For a period of four weeks, non-bailable warrant issued against the applicants be kept in abeyance.

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

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

Order Date :- 16.10.2023

v.k.updh.