

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32335 of 2023

Applicant :- Bheem Prasad Nishad

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

Counsel for Applicant :- Veerendra Kumar Shukla

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 03.08.2023 issued against the applicant in Case Crime No. 31 of 2016 (State Vs. Bheem and another), under Sections 406, 419, 420 and 506 I.P.C., Police Station-Atrauliya, District-Azamgarh, pending in the court Additional Chief Judicial Magistrate, Court No.26, Azamgarh.

3-In this case F.I.R. was lodged on 22.02.2016 and charge sheet was submitted on 10.08.2017, on which Magistrate concerned took cognizance on 14.05.2018 and summoned the applicant. After repeated summons, non-bailable warrant was issued against the applicant on 03.08.2023.

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

5-On the other hand learned Additional Government Advocate contended that in this case charge sheet has been submitted on 10.08.2017. Non-bailable warrant has been issued on 03.08.2023 and since then applicant is absconding.

6-From perusal of record it appears that applicant is

playing hide and seek with the Court since 2018 i.e. for the last about five years 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. 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. In view of the above, the relief claimed by the applicant is refused.

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

Order Date :- 16.10.2023

Kashifa