

Court No. - 86

Case :- APPLICATION U/S 482 No. - 45141 of 2023

Applicant :- Shadab Azam Ansari

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Gulab Chandra, Rupesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed with following prayers:-

"1. To issue appropriate suitable orders and directions to the learned Judicial Magistrate, Court No. 3, Allahabad to initiate strict legal action against the accused opposite party no.2 to compel him for making his personal appearance before the court below in Criminal Complaint Case No. 285 of 2016 (Shadab Azam Ansari vs. Shaikh Riyaz Abdul Quadir and Others), under Sections 138 of N.I. Act. of Police Station- Ghurpur, District- Allahabad to cooperate in the proceeding so that the case referred above may be brought to its logical end expeditiously within time bound period to meet out the ends of justice.

2. To issue appropriate suitable orders and directions to the learned Police Commissioner Mumbai Maharashtra to ensure full compliance of order/letter dated 17.10.2022 passed/issued by the learned Judicial Magistrate Court No. 3 Allahabad U.P. for personal appearance of opposite party no.2 in Criminal Complaint Case No. 285 of 2016 (Shadab Azam Ansari vs. Shaikh Riyaz Abdul Quadir and Others), under Sections 138 of N.I. Act, Police Station- Ghurpur, District- Allahabad U.P. to cooperate in the proceeding so that the case referred above expeditiously on or before fixed date 24.8.2023 urgently and to cooperate in proceeding to meet out the ends of justice.

3. To issue appropriate suitable orders and directions to the learned Police Commissioner Mumbai Maharashtra to ensure personal appearance of accused opposite party no.2 before the court below in Criminal Complaint Case No. 285 of 2016 (Shadab Azam Ansari vs. Shaikh Riyaz Abdul Quadir and Others), under Sections 138 N.I. Act. Police Station- Ghurpur, District- Allahabad to cooperate in the proceeding so that the case referred above may be brought to its logical end expeditiously within time bound period to meet out the ends of justice."

3. Learned counsel for the applicant submits that despite the summoning order issued against the accused persons (opposite party nos. 2 to 6), they are not appearing before the court below and proceedings is pending since 2019.

4. Considered the submissions raised by counsel for the applicant and perused the entire record.

5. In view of the above, this applications stands disposed of with the direction to the learned Magistrate that if applicant moves an application before the learned Magistrate, the appropriate action shall be taken in accordance with law, as expeditiously as possible.

Order Date :- 12.12.2023

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