

Court No. - 91

Case :- APPLICATION U/S 482 No. - 32740 of 2023

Applicant :- Salman

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

Counsel for Applicant :- Vivek Kumar Yadav, Mohit Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed for quashing the charge sheet dated 04.09.2008 and non-bailable warrant dated 20.09.2008 to 20.07.2023 in S.T. No.101 of 2008 arising out of Case Crime No.264 of 2007, under Sections 147, 148, 149, 307, 395, 427, 323, 336, 436, 304 IPC and Section 3/5 of Property Damage Prevention Act and Section 7 Criminal Law Amendment Act, Police Station Nai Ki Mandi, District Agra.
3. Learned counsel for the applicant contended that the reasons on account of which the applicant failed to appear before the trial court were beyond his control and the applicant has every intention to appear before the court concerned and participate in the proceedings of the trial.
4. Learned AGA appearing for the State opposed the prayer.
5. Having regard to the facts and circumstances of the case, after perusing the impugned order as well as the materials brought on record and having considered the submissions made by the learned counsel for the parties, the prayer made in the application is refused.
6. However, without expressing any opinion on the merits of the case, the application is disposed of with a direction to the applicant to move an application for cancellation of N.B.W. before the court below within 30 days from today, which shall be considered and decided in accordance with law. For a period of 30 days from today, effect and operation of non-bailable warrant issued against the applicant shall be kept in abeyance.
7. In case of default, the Court below will be at liberty to take all coercive steps against the applicant for ensuring his/ her appearance.
8. With the aforesaid observations, the application is **disposed of**.

Order Date :- 16.10.2023//Sanjeet