

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33742 of 2023

Applicant :- Shailendra Kumar

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

Counsel for Applicant :- Vinay Kumar Mishra

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 summoning order dated 03.06.2017, non-bailable warrant dated 15.05.2023 issued against the applicant and proceedings of Case No. 2039 of 2018 (State of U.P. Vs. Shailendra Kumar and others) arising out of Case Crime No. 247 of 2015, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station-Civil Lines, District-Etawah, pending in the court learned Chief Judicial Magistrate, Etawah.

3-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 warrants have been wrongly and illegally issued by the concerned Court below against the applicant.

4-On the other hand learned Additional Government Advocate contended that in this case F.I.R. has been lodged on 19.05.2015 against the four accused persons including the applicant and charge sheet was submitted on 19.06.2016, on which concerned court below took cognizance and summoned the applicant on 03.06.2017, but on account of his non appearance before the trial court, Non-Bailable Warrant has been issued against the applicant on 20.01.2018 and since then applicant is absconding.

5-Admittedly, order sheet of the lower Court

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

6-The application lacks merit and is accordingly, **dismissed.**

Order Date :- 19.10.2023

Kashifa