

Court No. - 91

Case :- APPLICATION U/S 482 No. - 34054 of 2023

Applicant :- Deepu Tiwari @ Deepak

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

Counsel for Applicant :- Ankesh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Heard counsel for the applicant, 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 non-bailable warrant order dated 26.04.2022 passed by Additional District Judge, Court No. 6, Gorakhpur as well as the entire proceeding of Sessions Trial No. 2624 of 2021 (State Vs. Sunil Tiwari & Ors.) arising out of Case Crime No. 0642 of 2020 under Sections 147, 148, 149, 452, 325, 504, 506, 427, 308 I.P.C., P.S. Gola, District Gorakhpur.

The only submission raised by learned counsel for the applicants is that the court concerned vide order dated 26.04.2022 has issued non-bailable warrant for appearance of the applicant. It is submitted that without issuing summons the court has issued non-bailable warrant. Counsel for the applicant 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 criminal case arising out of charge-sheet is refused.

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

For a period of one month, no coercive action shall be taken against the applicant.

In the event of failure, on the part of the applicant 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 :- 30.10.2023

Gaurav