

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34403 of 2023

Applicant :- Virendra Singh And 3 Others

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

Counsel for Applicant :- Shiv Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

2. The instant application under Section 482 Cr.P.C. has been preferred by the applicants seeking a direction to the trial court to recall the non bailable warrant dated 14.12.2022 issued by Additional Session Judge, Court No.2, Jhansi in Session Trial No.239 of 2016 (State v. Mangal and others), under Sections 147, 148, 149, 307, 504 and 506 I.P.C., Police Station Lahchura, District Jhansi against the applicants.

3. After having heard the arguments of learned counsel for the parties, I find that it is an old case of the year 2006, charge sheet was submitted on 26.08.2006 against Guddu Singh alias Viswanath Singh and Minister Singh alias Raghunath Singh. The applicants, namely, Virendra Singh, Tej Pratap Singh, Premchandra @ Bandar and Rajjan were summoned by the trial court as an additional accused in exercise of powers under Section 319 Cr.P.C. vide order dated 22.01.2010. The said order was challenged by the applicants by filing Criminal Revision No.425 of 2010, before this Court, in which an interim protection was

granted to the applicants vide order dated 05.02.2010 staying the proceedings against them, but later on, the said Criminal Revision of the applicants was dismissed for want of prosecution on 12.02.2013 and the interim order was vacated, but the applicants neither moved recall application nor informed the trial court about the order dated 12.02.2013 and they were absconding since 2013 as noted above.

4. On account of non appearance of the applicants before the trial court, non bailable warrant dated 14.12.2022 has been issued by the trial court, thereafter, the instant application has been preferred by the applicants on 30.08.2023 seeking protection from this Court.

5. Considering the facts of this case and conduct of the applicants, I do not find any good ground to interfere in the matter.

6. In view of the above, the application lacks merits and is, accordingly, **dismissed**.

7. Office is directed to communicate this Court's order to the concerned Court below within a week for necessary information.

Order Date :- 20.11.2023

A.N. Mishra