

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34578 of 2023

Applicant :- Rohit Upadhyay

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Krishna Kant Vishwakarma, Rajesh Kumar Singh

Counsel for Opposite Party :- G.A., B.N. Singh, Manish Kumar Singh

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the impugned order dated 17.07.2023 passed by the court below issuing non-bailable warrant against the applicant and proceedings of criminal case no. 70490 of 2021 (*State vs. Mohit Upadhyay*) arising out of case crime no. 22 of 2021, under Sections 308, 341, 323, 504, 506 I.P.C., Police Station Barra, District Kanpur Nagar pending in the court of Chief Metropolitan Magistrate, Kanpur Nagar.

At the outset, learned A.G.A. submits that in view of the judgment of Hon'ble the Apex Court in the case of **Bhisham Lal Verma vs. State of U.P.**, 2023 SCC OnLine SC 1399, the instant application is not maintainable because earlier, the applicant had preferred an application under Section 482 Cr.P.C. No. 15394 of 2021, which was dismissed on merit by the co-ordinate Bench of this Court vide order dated 14.02.2023.

In response, learned counsel for the applicant submits that he does not want to press this application, therefore, the same may be dismissed as not pressed.

In view of the statement made by learned counsel for the applicant at the Bar, the instant application is dismissed as not pressed.

Order Date :- 20.11.2023

Saurabh