

Court No. - 91

Case :- APPLICATION U/S 482 No. - 34938 of 2023

Applicant :- Amit @ Amir Hasan And Another

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

Counsel for Applicant :- Brijesh Kumar Patel

Counsel for Opposite Party :- G.A.,Ramesh Kumar Patel

Hon'ble Gajendra Kumar,J.

1. Heard counsel for the applicants, learned A.G.A for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash the non-bailable warrant order dated 05.11.2022 passed by Special Judge (SC/ST Act), Kanpur Nagar against applicant no.1 in Special Criminal Case No.29 of 2012 (State vs. Amir Hasan and others) in connection with Case Crime No.791 of 2011, under sections 363, 366, 376 I.P.C. & 3(1)(x) SC.ST Act, P.S. Chakeri, District Kanpur Nagar, pending in the court of Special Judge (SC/ST Act), Kanpur Nagar and further prayer to stay the further proceedings of the aforesaid case has been made.
3. The only submission raised by learned counsel for the applicants is that the court concerned vide order dated 05.11.2022 has issued non-bailable warrant for appearance of the applicants. Counsel for the applicants has urged that an opportunity be granted to the applicants to file an application for recall of the order issuing non-bailable warrant.
4. Learned AGA has no objection to the said prayer.
5. The prayer for quashing the entire proceeding of aforesaid criminal case is hereby refused.
6. However, it is provided that if the applicants file an application for recall/ cancellation of the order issuing non-bailable warrant within four weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.
7. For a period of four weeks, no coercive action shall be taken against the applicants.

8. In the event of failure, on the part of the applicants to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

9. With the aforesaid observations, this application is finally **disposed of.**

Order Date :- 16.10.2023

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