

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34571 of 2023

Applicant :- Vijay Shanker Dixit

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

Counsel for Applicant :- Amit Khanna

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,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 non bailable warrant dated 28.08.2023 issued against the applicant in S.T. No.472 of 2021 (State Vs. Dariyab Singh and others) in Case Crime No.73 of 2021, under Sections 368, 376, 363, 366, 342 I.P.C. and 5/6 POCSO Act, P.S. Tirwa, District Kannauj, pending before the Court of Special Judge/POCSO Act, Kannauj.
3. Counsel for the applicant submits that earlier applicant approached before this Court by filing Application under section 482 No.41734 of 2022 and the Co-ordinate Bench of this Court vide order dated 09.01.2023 disposed of the application of the applicant with direction to the court below that if the applicant appears before the court below within fifteen days and moves application before the court, the same shall be disposed of in light of the law laid down by the Apex Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and another**. It has been next submitted that due to some difficulty, the applicant could not appear in the court and impugned non bailable warrant has been issued against the applicant, hence instant application has been moved with prayer that some time may be allowed to the applicant to surrender before the court concerned.
4. Considering the facts and circumstances of the case, it is provided that the applicant shall appear before the court concerned on 06.11.2023 and move an application for bail which shall be considered and decided in accordance with law.
6. Till 06.11.2023, the execution of non bailable warrant issued against the applicant shall remain stayed.
7. In case of default, the interim protection granted by this Court shall stand automatically vacated and the court below shall be free to proceed against the applicant in accordance with law.
8. With the aforesaid direction, the 482 application is finally disposed off.

Order Date :- 31.10.2023

Meenu Singh