

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36322 of 2023

Applicant :- Dharmendra Alias Bullu Dubey And 5 Others

Opposite Party :- State Of U.P.And 5 Others

Counsel for Applicant :- Ravi Sahu,Om Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Om Prakash, learned counsel for the applicants, Sri Arbind Kumar, learned A.G.A for the State and perused the record.

2. The instant application under Section 482 Cr.P.C. has been filed for quashing the entire proceeding as well as N.B.W. dated 30.11.2016 passed by A.C.J.M., Court No.2, Bhadohi- Gyanpur in Criminal Complaint Case No.545 of 2011, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act, Police Station - Chauri, District Bhadohi, Gyanpur pending in the court of Civil Judge (J.D.)/ FTC (Cruelty against Women) Bhadohi- Gyanpur.

3. Learned counsel for the applicants submits that the applicant no.1 is husband and other applicants are family member of applicant no.1. It is further submitted that the applicants obtained bail in the year 2013. They had appeared till 2016. Thereafter opposite party no.2 herself did not appear before the court below on several dates, therefore applicants also failed to appear before the court below. Finally the impugned NBW was issued against them.

4. Considering the aforesaid submission as well as perusal of the order sheet, it appears that N.B.W. has been issued against the applicants in the year 2016 and opposite party no.2 herself did not appear on different dates, therefore, I do not find any illegality in the impugned N.B.W.

5. However, in case the applicants surrender before the Court concerned and apply for bail within 15 days from today, their bail application shall be considered and decided expeditiously by the court below, in view of law laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another, 2021 SCC Online SC 922.**

6. For a period of three weeks from today or till disposal of bail application of applicant, whichever is earlier, the N.B.W. dated 30.11.2016 shall remain stayed against the applicants in the aforesaid case.

6. As the matter is pending since 2011, therefore, Civil Judge (J.D.)/ FTC (Cruelty against Women) Bhadohi- Gyanpur, is directed to conclude the trial of the aforesaid case within one year from the date of production of a certified copy of this order, in accordance with law. For ensuring the presence of accused persons or other witnesses, the court below will adopt coercive measure against them.

7. With the aforesaid direction, the application is **disposed of**.

Order Date :- 17.10.2023

A.Kr.