

Court No. - 92

Case :- APPLICATION U/S 482 No. - 35844 of 2023

Applicant :- Sandeep

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

Counsel for Applicant :- Ramesh Kumar Patel, Ram Bhajan Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Shri Vijay Kumar Dubey, holding brief of Shri Ram Bhajan Chaudhary and Shri Pankaj Srivastava, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the NBW dated 13.9.2018 issued against the applicant by learned Special Judge, SC/ST Act, Ghaziabad and the proceedings of Session Trial No. 648 of 2011 (State of U.P. Vs. Chahat Ram and others) arising out of Case Crime No. 470 of 2010 under section 302 I.P.C. police station Sahibabad District Ghaziabad.

3. Learned counsel for the applicant submits that NBW has been issued on 13.9.2018 only on non presence of the applicant on one occasion, therefore, he has prayed for quashing of the order dated 13.9.2018 whereby the NBW was issued against the applicant herein.

4. Learned A.G.A. for the State submits that continuously applications for exemption are being filed by the applicant herein and on various occasions exemption applications were allowed by the trial court, therefore, when neither the applicant was present nor any application for exemption was moved, in such circumstances on 13.9.2018 the NBW was issued against the applicant, therefore, there is no illegality in the order dated 13.9.2018 issuing NBW against the applicant herein. He further submits that more than five years have passed and the instant application has been filed after five years of the issuance of NBW on 13.9.2018. This clearly shows dilatory tactics on the part of the applicant inasmuch as the trial is of the year 2011 for the offence registered in the year 2010, therefore, he has prayed for dismissal of the instant application filed by the applicant herein.

5. Having heard the rival submissions of the learned counsel for the parties the counsel has carefully gone through the records and

from the records it is clear that continuously the applications for exemption were being moved on behalf of the applicant herein which were usually allowed by the trial court and on 13.9.2018 when neither the applicant was present in the court nor any exemption application was moved on his behalf, in such circumstances, NBW was issued against the applicant. Otherwise also more than five years have passed after issuance of NBW i.e. on 13.9.2018 but the applicant has not made any attempt to seek legal remedy against the NBW.

6. For the aforesaid reasons, the instant application is devoid of merit and is hereby **dismissed**.

Order Date :- 29.11.2023

o.k.