

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35979 of 2023

Applicant :- Sarfuddin

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

Counsel for Applicant :- Mohd Imran Khan

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P./opposite party no.1 and perused the record.

2. The instant application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the order of non bailable warrant and process under Section 82 Cr.P.C. dated 19.01.2017 passed by Additional Session Judge, Mirzapur in S.T. No. 297A of 2004 (State Vs. Shahid Khan and others) arising out of Case Crime No. 373 of 2003, under Sections 147, 302 I.P.C., Police Station Vindhyachal, District Mirzapur, pending in the court of Additional Session Judge, Court No.1, Mirzapur.

3. Brief facts of the case which are required to be stated are that in this case First Information Report was registered on 28.09.2003 regarding recovery of dead body, which was lying near Jagdishwari Guest House within the territory of Police Station Vindhyachal, District Mirzapur. During investigation, complicity of the applicant came into light and after culmination of investigation charge sheet was submitted against the accused persons on 26.01.2004 and charges were framed on 21.02.2005. On non appearance of the applicant before the trial court, non bailable warrant as well as process under Section 82 Cr.P.C. has been issued against him on 19.01.2017.

4. The instant application has been preferred by the applicant on 15.09.2023 without disclosing the present status of trial and complete order sheet of the case. On perusal of record I find that order sheet

of the trial court from 14.08.2016 to 22.06.2018 only has been filed before this Court.

5. Considering the inordinate delay of more than six years from the date of impugned order dated 19.01.2017 in filing the instant application, I do not find any good ground to interfere in the matter.

6. In view of the above, the application under Section 482 Cr.P.C. is, accordingly, ***dismissed*** on the ground of laches without entering into the merits of the case.

7. Office is directed to communicate this order to the concerned court below within a week for necessary information.

Order Date :- 13.12.2023

Kashifa