

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37464 of 2023

Applicant :- Kamlesh Nishad

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

Counsel for Applicant :- Sunil Choudhary

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned AGA for State.
2. Learned AGA has raised preliminary objection and submitted that applicant has alternative remedy to file application for recalling of order under Section 126(2) Cr.P.C.
3. Learned counsel for the applicant could not dispute the aforesaid fact and submitted that as there is some delay, therefore, he may be granted certain time to file recall application.
4. Accordingly, the application is **dismissed** with aforesaid liberty.
5. In case, any application is filed within 15 days from today, same shall not be rejected on ground of laches, but be decided on merits.
6. Certified copy of the order be returned to learned counsel for the applicant after keeping the photocopy of the same on record.
7. For a period of four weeks from today, proceeding of Execution Case No. 745 of 2022 (Priyanka Vs. Kaamlesh), under Section 128 Cr.P.C. shall remain stayed against the applicant.

Order Date :- 7.12.2023

Arvind