

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38494 of 2023

Applicant :- Dharmpal

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

Counsel for Applicant :- Neeraj Kumar Chaurasiya

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Heard counsel for the applicant, learned A.G.A for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed to quash the criminal proceeding of criminal case No. 1424 of 2015 arising out of Case Crime No. 770 of 2014 (State Vs. Kapil and others) under sections 467, 468, 323, 504, 506, 420 I.P.C., P.S. Civil Lines, District Muzaffarnagar and quash the cognizance order dated 25.03.2015 passed by learned Additional Chief Judicial Magistrate II, Muzaffarnagar and stay the further proceeding.

The only submission raised by learned counsel for the applicant is that the court concerned vide order dated 25.03.2015 has issued non-bailable warrant for appearance of the applicant. It is submitted that without issuing summons the court has issued non-bailable warrant. Counsel for the applicant has urged that an opportunity be granted to the applicant to file an application for recall of the order issuing non-bailable warrant/ move an application for bail.

Learned AGA has no objection to the said prayer.

The prayer for quashing the entire proceeding of criminal case arising out of charge-sheet is refused.

However, it is provided that if the applicant file an application for recall of the order issuing non-bailable warrant/ move an application for bail within four weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.

For a period of four weeks, NBW issued against the applicants shall be kept in abeyance.

In the event of failure, on the part of the applicant to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

With the aforesaid observations, this application is finally disposed of.

Order Date :- 28.10.2023

Suraj Srivastav