

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37762 of 2023

Applicant :- Shivam Saxena

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

Counsel for Applicant :- Vivek Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This application under Section 482 Cr.P.C. has been filed for quashing order issuing Non-bailable Warrant dated 12.6.2023 passed by the Additional Session Judge Court No.13, Agra in case no. 1069 of 2022, State Vs. Shivam Saxena and others, arising out of case crime no. 123 of 2022, under section 399, 402 I.P.C.P.S. Sikandra, District Agra and recall the N.B.W. passed against the applicant.
3. From the record, it transpires that on account of the failure of the applicant to appear before the court below, non-bailable warrants have been issued against the applicant by the court below vide order dated 12.6.2023.
4. Learned counsel for the applicant submits that interest of justice shall be served provided some protection is granted by this Court to enable the applicant to appear before the court below.
5. Considering the facts and circumstances of the case, it is provided that the applicant shall appear before the court concerned within three weeks from today and move an application for recall of the non bailable warrant, which shall be considered and disposed of expeditiously in accordance with law.
6. For a period of three weeks, the execution of non bailable warrant issued against the applicant shall remain stayed.

7. In case of default, the interim protection granted by this Court shall stand automatically vacated and the court below shall be free to proceed against the applicant in accordance with law.

8. With the aforesaid direction, the application is finally disposed of.

Order Date :- 30.10.2023

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