

**Court No. - 86**

**Case :-** APPLICATION U/S 482 No. - 38403 of 2023

**Applicant :-** Shyamji Kesarwani

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

**Counsel for Applicant :-** Akarsh Dwivedi, Sheeladitya Harshvardhan

**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 the order dated 29.8.2023 passed by the Addl. District Judge, Court No.1, Allahabad issuing non bailable warrant against the applicant in S.T. No. 637 of 2013 (State Vs. Shyamji Kesarwani) arising out of case crime No. 113 of 2013, under Sections 307, 302 IPC, 7 Criminal Law Amendment Act and Section 25/27 of Arms Act, P.S. Kotwali, District- Allahabad.
3. From the record, it transpires that on account of the failure of the applicant to appear before the court below, non bailable warrant has been issued against the applicant by the court below vide order dated 29.8.2023.
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 and move an application for recall of the non bailable warrant, the same 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 :-** 17.11.2023

SFH