

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38517 of 2023

Applicant :- Naresh And 12 Others

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

Counsel for Applicant :- Shiv Bhushan Singh, Mahendra Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

Heard counsel for the applicants, 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 non-bailable warrant order dated 04.07.2023 passed by learned Chief Judicial Magistrate, Etah in case no. 505 of 2019 (Murari Lal Vs. Naresh and others) arising out of case crime no. 149 of 2011, under sections 324, 307, 323, 504, 506, 452 I.P.C., P.S. Nidhauri Kala, District Etah.

The only submission raised by learned counsel for the applicants is that the court concerned vide order dated 04.07.2023 has issued non-bailable warrant for appearance of the applicants. It is submitted that without issuing summons the court has issued non-bailable warrant. Counsel for the applicants has urged that an opportunity be granted to the applicants to file an application for recall of the order issuing non-bailable warrant.

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 applicants file an application for recall of the order issuing non-bailable warrant 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 applicants 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