

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38724 of 2023

Applicant :- Tajammul Husain

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

Counsel for Applicant :- Mohd. Monis, Akal Raj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard counsel for the applicant, learned A.G.A for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash/ stay the N.B.W.+ process of 82 Cr.P.C. issued against the applicant in Case No.3569 of 1990 (State Vs.Tajammul Husain and others) arising out of Case Crime No.138 of 1987, under section 409, 411 IPC at Police Station Jhagaha, District Gorakhpur, pending in the court of learned Judicial Magistrate Court No.7, Gorakhpur and further prayer to stay the further proceedings of aforesaid case has been made.
3. It is submitted by learned counsel for the applicant that he is an accused in case proceeded against him in Criminal Case No.3569 of 1990 arising out of Case Crime No.138 of 1987, under sections 409, 411 IPC (State vs. Tajammul Husain). It is further submitted that he is on bail but on dated 1.9.2023, NBW and process under section 82 Cr.P.C. has been issued altogether which is against provisions of law.
4. Learned A.G.A. opposed the prayer and contention that he may move application for the cancellation of the same.
5. In view of the statements and contentions made by learned counsel for the parties, it is apparent that vide order dated 1.09.2023, NBW as well as 82 Cr.P.C. has been issued against the applicant at the same time, however, this application stands **disposed of** with the direction to the applicant that applicant, if so advised, may move an application for the cancellation of the aforesaid order within a period of one month, before the competent court concerned, and the court concerned shall decide the same, as expeditiously, as possible in accordance with law.
6. For a period of one month, the process of N.B.W. order and 82 Cr.P.C. shall be kept in abeyance.

Order Date :- 18.10.2023

SFH