

Court No. - 89

Case :- APPLICATION U/S 482 No. - 39009 of 2023

Applicant :- Vinod Kumar

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

Counsel for Applicant :- Ajay Kumar Pal

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

Heard learned counsel for the applicant and learned AGA for the State.

This application under Section 482 Cr.P.C. has been filed for quashing the recovery warrant/non-bailable warrant order dated 21.09.2023 in Complaint Case No.25 of 2023 (Pushplata Vs. Vinod Kumar), under Sections 28(1)(2) D.V. Act, P.S.- Chandausi, District- Sambhal, pending in the court of Additional District and Session Judge, Sambhal.

Learned counsel for the applicant submits that the present recovery warrant has been issued on 21.9.2023 in proceedings under Section 12 of Domestic Violence Act, which was allowed on 20.02.2023 against which the applicant has filed an appeal before District and Sessions Judge, which is still pending. He prays that the instant recovery warrant may be stayed.

Considering the arguments raised by learned counsel for the applicant that the appeal is still pending before the trial court, this court is of the view that the applicant can approach and file stay application against the recovery warrant before the appellate court, hence the application U/s 482 is not maintainable.

The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, dismissed.

Order Date :- 19.10.2023

Pravesh Mishra