

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38893 of 2023

Applicant :- Ajay Shukla

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

Counsel for Applicant :- Rajesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed for quashing of charge sheet dated 01.12.2019; cognizance/summoning order dated 23.12.2019 as well as entire proceedings of Case No. 7847 of 2019, (State vs. Shahid Raza Rizvi and another) arising out of Case Crime No. 187 of 2019, under Section 174-A of IPC, P.S. Gyanpur, District Bhadohi, pending in the Court of Chief Judicial Magistrate, Bhadohi.

3. Learned counsel for the applicant submits that F.I.R. was lodged by one Ashish Tiwari in Case No. 100 of 2019, P.S. Gyanpur, District Bhadohi whereby as many as 11 persons including the applicant were named in the FIR. The police after investigation submitted a charge sheet against the applicant. Challenging the said charge sheet, an Application U/S 482 No. 38588 of 2019 was filed whereby Co-ordinate Bench of this Court vide order dated 24.10.2019 protecting the interest of the applicant for 30 days and dispose of the application.

4. It is contended by counsel for the applicant that applicant applied for bail and he was granted bail by co-ordinate Bench of this Court vide order dated 10.06.2020. The Incharge Inspector lodged an FIR, under Section (174 A) of IPC (non appearance in response to the proclamation under Section 82 of the Act, 1974) against the applicant and one Syed Shahid Raza. After holding a superficial investigation submitted a charge sheet on 01.12.2019 and the learned Magistrate has taken cognizance of the offence on

23.12.2019. It is next submitted that applicant is regularly participating in the aforesaid session trial and there is no useful purpose to keep the Case No. 7847 of 2019 pending and alive. The object of aforesaid Section 174 A of IPC is to secure the presence of proclaimed offender but the applicant got himself surrendered and bailed out. Even today he is regularly participating in the aforesaid Session Trial thus there is no useful purpose to keep this matter alive.

6. Accordingly, the Case No. 7847 of 2019, (State vs. Shahid Raza Rizvi and another) arising out of Case Crime No. 187 of 2019, under Section 174 A IPC, P.S. Gyanpur, District Bhadohi is hereby quashed so far as it relates to only applicant is concerned.

7. The application is hereby **allowed**.

Order Date :- 19.10.2023
Meenu Singh