

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39080 of 2023

Applicant :- Jitendra @ Guddu

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

Counsel for Applicant :- Viveka Nand Rai

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Learned counsel for the applicant is permitted to correct the prayer clause of the application
2. Heard counsel for the applicant, learned A.G.A for the State and perused the record.
3. This application under Section 482 Cr.P.C. has been filed to quash the non-bailable warrant order dated 04.04.2022 passed by Special Judge (Gangster Act)/ Additional Session Judge, Court No.7, Azamgarh as well as the entire proceeding of G.T. No.238 of 2008 (State vs. Jitendra and others) in connection with case crime no.139 of 2003, under sections 399, 402 I.P.C. and Section 3(1) U.P. Gangster Act, P.S. Sidhari, District Azamgarh, pending in the court of Special Judge (Gangster Act)/ Additional Session Judge, Court No.7, Azamgarh.
4. The only submission raised by learned counsel for the applicant is that the court concerned vide order dated 04.04.2022 has issued non-bailable warrant for appearance of the applicant. Counsel for the applicant has urged that an opportunity be granted to the applicant to file an application for recall of the order issuing non-bailable warrant as well as to file an application for grant of bail.
5. Learned AGA has no objection to the said prayer.
6. The prayer for quashing the entire proceeding of aforesaid criminal case is hereby refused.
7. However, it is provided that if the applicant files an application for recall of the order issuing non-bailable warrant or an application for bail within one month from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.
8. For a period of one month, no coercive action shall be taken

against the applicant.

9. In the event of failure, on the part of the applicant to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

10. With the aforesaid observations, this application is finally disposed of.

Order Date :- 26.10.2023

v.k.updh.