

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39204 of 2023

Applicant :- Pawan Kumar Saini

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

Counsel for Applicant :- Kuldeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge sheet No.48 of 2018 dated 29.03.2018, cognizance and summoning order dated 19.10.2019 and proceedings of criminal case no. 355 of 2020 (old Case No.1368 of 2019) (State vs. M/s Pawan Kumar Saini and another) arising out of case crime no. 51 of 2017, under Sections 3/4 of the Essential Commodities Act, P.S. Kakod, District Bulandshahr.

3. Learned counsel for the applicant submits that the applicant was not having any knowledge about the aforesaid charge sheet and cognizance order as no notice has been served upon him, therefore, he could not approach this Court within reasonable time.

4. On the other hand, learned AGA submits that during investigation, notice under Section 41 Cr.P.C. was given to the applicant and in pursuance thereof, he had executed a bond to ensure his presence in the proceedings. The bailable warrant is repeatedly being issued against the applicant since 18.11.2021.

5. Considering the inordinate delay of five years in filing the instant application on 16.10.2023, I do not find any good ground to interfere in the matter.

6. The application is accordingly dismissed on the ground of laches without entering into merits of the case.

Order Date :- 29.11.2023

RKM