

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39600 of 2023

Applicant :- Shibabrata Bhaumik Alias Subroto Bhoomick

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

Counsel for Applicant :- Azhar Hussain, Byas Kumar Prasad

Counsel for Opposite Party :- G.A., Jayendra Kumar Mishra, Keerti Mishra

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Jayendra Kumar Mishra, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed praying for quashing of impugned order dated 04.10.2023 as well as entire proceeding of Complaint Case No. 1808 of 2011 (M/s Anu Export Vs. Subroto Bhoomick), under Section 138 of N.I. Act, Police Station- Sadar Bazar, District- Agra, pending before Special Judge, N.I. Act, Agra.

3. The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

4. Having heard the learned counsel for the applicant and perused the materials brought on record, it does not appear to be a fit case praying for quashing of non bailable warrant. The prayer praying for quashing of same is hereby refused, at this stage as the argument raised by learned counsel for the applicant involves factual disputes and appraisal of evidence.

5. However, looking at the nature of offence alleged and attending facts and circumstances of the case, as have been brought on record, it is directed that if the applicant moves an application for recalling of non bailable warrant dated 04.10.2023 before the trial court within 10 days from today, his prayer for recalling the same shall be considered and decided in accordance with law.

6. For a period of 10 days from today, the non-bailable warrant issued against the applicant shall be kept in abeyance.

7. The present application stands **disposed of**.

Order Date :- 16.11.2023

ADY