

Court No. - 90

Case :- APPLICATION U/S 482 No. - 39513 of 2023

Applicant :- Sudama Yadav

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

Counsel for Applicant :- Mahtab Alam, Rohit Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The applicant has invoked inherent jurisdiction of this Court seeking quashing of the order dated 22.9.2023 passed by CJM, Jaunpur in Case No. 457 of 2013 (State Vs. Gama Yadav and others), Case Crime No. C-1778 of 2010, under Sections 302 and 201 IPC, Police Station Kotwali, Jaunpur.

3. An FIR has been lodged against the present applicant along with other co-accused with an allegation of murder and criminal conspiracy. In said matter, final report has been submitted, however, on the protest petition being filed on behalf of Opposite Party No. 2, learned Magistrate has issued process against the accused persons under Sections 302 and 120B IPC vide order dated 7.5.2013. At later stage, due to non-appearance of the present applicant, an order dated 22.9.2023 has been passed issuing non-bailable warrant against the present applicant.

4. After due deliberation at length, without pressing on the merits of the original case, learned counsel for the applicants submits that due to lack of knowledge the present applicant could not appear before the court below which led issuance of non-bailable warrant against him. Now, the present applicant is ready and willing to co-operate with the court proceedings provided some protection may be granted to him to enable him to appear before the concerned court below.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction that, in case, the present

applicant surrenders/appears before court concerned and files bail application within a period of three weeks from today, the same shall be considered and decided by the concerned court below within a period of two weeks thereafter.

6. For a period of five weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be taken against the present applicant in pursuance of the aforementioned impugned order dated 22.9.2023.

7. With the aforesaid direction, present writ petition is **disposed of**.

Order Date :- 16.11.2023

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