

Court No. - 90

Case :- APPLICATION U/S 482 No. - 39918 of 2023

Applicant :- Jagdish And 2 Others

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

Counsel for Applicant :- Kuldeep Kumar Gupta

Counsel for Opposite Party :- G.A.,Kaushlendra Singh,Rashmi Singh

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party no.2 as well as learned AGA and perused the record.

2. The present applicants have invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for the following relief :

" It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and quash the impugned order dated 03.07.2023 passed by learned Special Judge (Dacoity Affected Area) Additional Sessions Judge/ F.T.C., Court No.2 in Special Sessions Trial No.13 of 2022, arising out of Complaint No.281 of 2021 (Vinod Kumar vs. Jagdish and others), under Sections 392, 324, 504 I.P.C.-1860, Police Station Kannauj, District Kannauj, by which, the bailable warrant has been issued against the applicants and further direct the authorities not to take any coercive steps against the applicants during the pendency of the present application."

3. After due deliberation at length, without addressing the matter on the merits of the case, learned counsel for the applicants submits that due to lack of knowledge, applicants could not appear before the court below in time and participate in the court proceeding which led issuance of bailable warrant against them. It is further submitted that at present applicants are ready to cooperate with the court proceedings, provided some protection may be granted to the applicants.

4. In this conspectus, as above, no useful purpose would be served to keep the instant application 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 liberty to the present applicants to appear/surrender before the concerned court below and move bail application within a period of two weeks from today which shall

be considered and decided by the learned court concerned within a period of two weeks, there after.

6. In the interest of justice, for a period of four weeks or till the decision of the bail application, whichever is earlier, no coercive action shall be taken against the present applicants in the aforementioned case.

7. With the aforesaid direction, present application is disposed of.

Order Date :- 15.12.2023

Jitendra