

Court No. - 88

Case :- APPLICATION U/S 482 No. - 40279 of 2023

Applicant :- Kul Gaurav Yadav

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

Counsel for Applicant :- Karan Singh Yadav

Counsel for Opposite Party :- G.A., Siddarth Jaiswal

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1, learned counsel for the opposite party no.2 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant to quash the non-bailable warrant dated 08.06.2022, order dated 05.07.2022 whereby proceeding under Section 82 Cr.P.C. has been issued against the applicant and proceeding of Complaint Case No. 113 of 2014 (Priyanka Keshari Vs. Kul Gaurav Yadav), under Section 138 Negotiable Instruments Act, Police Station Jhansi, District Allahabad pending in the court of Additional Court (N.I. Act) 2nd, Allahabad.

At the outset, learned counsel for the applicant gave up his challenge to the aforesaid non-bailable warrant dated 08.06.2022 and order dated 05.07.2022 by which proceeding under Section 82 Cr.P.C. has been issued against the applicant by contending at the Bar that he is not pressing the prayer made in this application on merits and confined his submission requesting to grant some protection to the applicant to surrender before the concerned Court below.

Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to him for a short period.

In view of the above, the relief as sought by the applicant in the instant application is refused.

However, considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned Court below within two weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the Courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.

For the period of two weeks from today or till the time of surrender of the applicant before the concerned Court below, whichever is earlier, order dated 05.07.2022 by which proceeding under Section 82 Cr.P.C. has been issued and non-bailable warrant dated 08.06.2022 shall be kept in abeyance.

With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 12.12.2023
Shubham