

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40525 of 2023

Applicant :- Anshu Tiwari Alias Dhanshyam Tiwari Ghanshyam

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

Counsel for Applicant :- Anil Kumar 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 present applicant has invoked the inherent power of this Court under Section 482 Cr.P.C. beseeching the quashing of the N.B.W. order dated 04.08.2023 passed by learned Metropolitan Magistrate-VI, Kanpur Nagar in Criminal Case No.40212 of 2018 (State vs. Virendra Chaturvedi and others), arising out of Case Crime No.1035 of 2016, under Sections 147, 389, 506 I.P.C., P.S. Chakeri, District Kanpur Nagar.

3. After due deliberation at length, without interning into the merits of the case, learned counsel for the applicant has urged that the present applicant is ready to co-operate in the court proceeding, provided some protection may be granted to him to appear before the court. It is further submitted that due to some personal difficulties, present applicant could not appear before the court below in time, consequently, non-bailable warrant has been issued on 04.08.2023 against the applicant.

4. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally decide the instant application, without entering into the merits of the case, with a direction that the present applicant, in case, appears/surrenders and move a bail application within a period of two weeks from today before the court concerned, same may be considered and decided by the said learned court within a period of two weeks, thereafter.

5. For a period of four weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be taken against the present applicant in the criminal proceeding arising out of Case Crime No.1035 of 2016.

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

Order Date :- 2.11.2023

Jitendra