

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40158 of 2023

Applicant :- Jia Ahmad Khan Sherwani

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

Counsel for Applicant :- Pradyumna Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. This application under Section 482 Cr.P.C. has been filed for quashing order issuing Non-bailable Warrant dated 5.9.2023 and notice under section 82 Cr.P.C. in Criminal Case No. 3474 of 1991, State of U.P. Vs. Ahmad Hussain and others, arising out of case crime NO. 118-A of 1974, under section 420, 466, 468, 471 I.P.C., P.S. Civil Lines, District Aligarh, pending in the court of Judicial Magistrate, Court No.2, District Aligarh.
3. From the record, it transpires that on account of the failure of the applicant to appear before the court below, non-bailable warrant has been issued against the applicant by the court below vide order dated 5.9.2023.
4. Learned counsel for the applicant submits that interest of justice shall be served provided some protection is granted by this Court to enable the applicant to appear before the court below.
5. Considering the facts and circumstances of the case, it is provided that the applicant shall appear before the court concerned within three weeks from today and move an application for recall of the non bailable warrant, which shall be considered and disposed of expeditiously in accordance with law.
6. For a period of three weeks, the execution of non bailable warrant issued against the applicant shall remain stayed.

7. In case of default, the interim protection granted by this Court shall stand automatically vacated and the court below shall be free to proceed against the applicant in accordance with law.

8. With the aforesaid direction, the application is finally disposed of.

Order Date :- 1.11.2023

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