

Court No. - 91

Case :- APPLICATION U/S 482 No. - 40505 of 2023

Applicant :- Satyram

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

Counsel for Applicant :- Arvind Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard Sri Arvind Kumar Singh, learned counsel for the applicant and the learned AGA appearing for the State.

2. The present application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash and set aside the impugned summoning order dated 06.09.2022 and order dated 05.04.2023 issuing non bailable warrant against the applicant passed by 3rd Additional Session Judge, Special Judge (Dacoit effected area) Budaun and entire proceeding of Criminal Complaint No. 786 of 2020 (Kalloo Vs. Satyram) and its new no. Session Case No. 888 of 2022 (State Vs. Satyram) under Section 392 IPC, Police Station Sahsawan, District Budaun pending before the Court of 3rd Additional Session Judge, Special Judge (Dacoit effected area) Budaun.

3. It is submitted by the learned counsel for the applicant that the F.I.R. was lodged on the basis of false facts and also on the basis of malice.

4. On the other hand, learned AGA has opposed the prayer.

5. Having regard to the facts and circumstances of the case, after perusing the entire record and having considered the submissions made by the learned counsel for the parties, I am of the view that no case is made out to interfere with the impugned order. Further, the plea raised before this Court would require leading of evidence, which can be raised before the court concerned at the appropriate Stage. Hence, the prayer made in the present application is refused.

6. Hence, it is directed that in case the applicant moves an application for cancellation of N.B.W./bail within four weeks from today, the same shall be considered and decided in view of the

settled law. For a period of four weeks from today, no coercive action shall be taken against the applicant.

7. With the above observations, the application stands disposed of.

Order Date :- 22.11.2023

Imtiyaz