

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40602 of 2023

Applicant :- Anil Kumar Tripathi

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

Counsel for Applicant :- Chandra Prakash Misra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. The present applicants have invoked the inherent power of this Court under Section 482 Cr.P.C. beseeching the quashing of cognizance/summoning order dated 17.9.2021, charge sheet dated 31.08.2016 as well as entire criminal proceeding of Case No. 3719 of 2021 (State of U.P. Vs. Anil Tripathi & others) arising out of the Case Crime No. 1086 of 2016, under Sections 392,411, 504, 323 and 34 IPC, Police Station G.R.P. Gorakhpur, District Gorakhpur pending before Chief Judicial Magistrate, Kushinagar.
3. After due deliberation at length, without pressing on merits of the case, learned counsel for the applicant submits that due to the lack of knowledge with respect to the pendency of the instant criminal proceedings, inasmuch as applicant is residing outside the State, he could not appear before the court concerned and participate in the proceedings. Counsel for the applicant urged that some protection may be given to the present applicant so that he may appear before the court concerned and cooperate with the Court. It is further submitted that it was never intention of the present applicant to avoide the Court proceedings.
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 dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction that present applicant in case appear/surrender and file a bail application within a period of two weeks from today before the Court below, same shall be considered and decided within a period of three weeks, thereafter.
5. For a period of five weeks or till the decision on the bail

application, whichever is earlier, no coercive action shall be taken against the present applicant in Criminal proceedings arising out of Case Crime No.1086 of 2016.

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

Order Date :- 3.11.2023/vkg