

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40628 of 2023

Applicant :- Shaheen And 4 Others

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

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the proceeding of Case Crime No.504 of 2003 under Sections 147, 148, 149, 427, 435, 452, 504, 506, 379 I.P.C., Police Station Mubarakpur, District Azamgarh pending in the court of Chief Judicial Magistrate, Azamgarh.
3. After due deliberations, without addressing on the merits of the case, it is submitted by learned counsel for the applicants that due to some personal difficulty the present applicants could not appear before the court concerned. Initially, the applicants were enlarged on bail, however, at later stage, while they went to Mumbai for their livelihood, they could not appear before the court concerned in time to participate in the criminal proceeding which led issuance of non-bailable warrant against them. It is further submitted that applicants are not intending to ignore the court proceeding, therefore, some protection may be granted to the applicant to appear before the court concerned and participate in the proceeding.
4. Learned A.G.A. has no objection to the aforesaid prayer of the applicants.
5. In this conspectus as above, no useful purpose would be served to keep this application pending, therefore, this Court deems it appropriate to decide the instant application finally, without entering into the merits of the case as averred in the instant application, with a direction that, in case, the present applicant appears/surrenders before the court concerned along with a certified copy of this order and move bail application within two weeks from today, same shall be considered and decided by the court concerned within a period of two weeks thereafter.

6. For a period of four weeks or till the disposal of bail application, whichever is earlier, no coercive action shall be taken against the present applicant in Case Crime No.504 of 2003 under Sections 147, 148, 149, 427, 435, 452, 504, 506, 379 I.P.C., Police Station Mubarakpur, District Azamgarh pending in the court of Chief Judicial Magistrate, Azamgarh.

7. With the aforesaid observation/direction, the instant application is finally disposed off.

Order Date :- 23.11.2023

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