

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40856 of 2023

Applicant :- Girish Tiwari And 5 Others

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

Counsel for Applicant :- Surendra Nath Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Vakalatnama filed today by Sri Brijesh Kumar Srivastava, Advocate, on behalf of opposite party no.2, is taken on record.
2. Heard learned counsel for the applicants, Sri Brijesh Kumar Srivastava, learned counsel for the opposite party no.2, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.
3. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the cognizance/summoning order dated 17.03.2023, non bailable warrant dated 10.08.2023 issued against the applicants and proceedings of Case No.4251 of 2023 arising out of Case Crime No.162 of 2021 (State vs. Arvind Tiwari and others), under Sections 147, 323, 325, 352, 307, 427, 504 & 506 I.P.C., P.S.Bariarpur, District Deoria, pending before Civil Judge (Senior Division)/F.T.C./A.C.J.M., Court No.1, Deoria.
4. At the outset learned counsel for the applicant gave up his challenge to the aforesaid non-bailable warrant and criminal proceedings against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicants expeditiously.
5. Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.
6. In view of the above, the relief as sought by the applicants in the instant application is refused.
7. However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within three weeks from today and in case they apply for

bail, the bail application of the applicants shall be disposed of expeditiously by the courts below in accordance with law.

8. For the period of three weeks from today or till the time of surrender of the applicants before the concerned Court below, whichever is earlier, non-bailable warrant dated 10.08.2023 shall be kept in abeyance.

9. With the above observations and directions, this application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 6.11.2023
SKD