

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41444 of 2023

Applicant :- Shabbir Ahmad

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

Counsel for Applicant :- Anamika Singh, Jitendra Pal Singh, Pradeep Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

1. Learned counsel for applicant is permitted to make necessary correction in the prayer clause of the application.
2. Heard learned counsel for the applicant and learned A.G.A. for the State.
3. This application under Section 482 Cr.P.C. has been filed for quashing the charge sheet dated 11.4.2021 alongwith cognizance order dated 10.1.2022 alongwith N.B.W. order dated 8.9.2023 passed by A.C.J.M, 1st Pilibhit in case No. 492 of 2022, State Vs. Shabbir Ahmad, arising out of case crime no. 290 of 2020, u/s 3/7 of E.C. Act. and under section 285, 420 I.P.C., P.S. Sungarhi, District Pilibhit, pending in the court of A.C.J.M, 1st, Pilibhit.
4. 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 8.9.2023.
5. 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.
6. 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.

7. For a period of three weeks, the execution of non bailable warrant issued against the applicant shall remain stayed.

8. 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.

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

Order Date :- 8.11.2023

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