Court No. - 89

Case :- APPLICATION U/S 482 No. - 41331 of 2023

Applicant :- Shri Krishna Agarwal And Another
Opposite Party :- State Of U.P. And 2 Others
Counsel for Applicant :- Vishvanath Prasad,Amit Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the order dated 06.10.2023 passed in Crl. Appeal No.108 of 2023 before the court of Additional District Judge, FTC-II Bijnor in Crl. Complaint Case No.1079 of 2018 (Firm Shiv Kripa Traders and others Vs.D Mart and others) under Section 138 N.I. Act, P.S. Kotwali City, District Bijnor pending in the court of Additional District Judge, F.T.C. Bijnor.

3. Counsel for the applicants submits that applicants have been convicted in the proceedings under Section 138 N.I. Act. Thereafter, they filed appeal against the conviction order and vide order dated 17.07.2023, applicants were released by the appellate court with direction that applicants shall deposit 20% of the amount within ten days but counsel for the applicants could not deposit the said amount as directed by the trial court within time and applicants moved application that some time may be given for depositing the said amount as applicants became ill. Counsel for the applicants submits that the applicants are is ready to deposit the amount within a week as non bailable warrant has been issued against them.

4. Learned counsel for the applicant submits that in the interest of justice, applicants be given some time to deposit the amount and some protection by this Court to enable the applicants to appear before the court below.

5. Considering the facts and circumstances of the case, it is provided that if the applicants deposit 20% of the penalty amount within a period of three weeks from today and move an application for recall of non bailable warrant, his recall of non bailable

application shall be considered and disposed of expeditiously in accordance with law.

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

7. 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.

8. With the aforesaid direction, the 482 application is finally disposed off.

Order Date :- 8.11.2023
Meenu Singh

Digitally signed by :-
MEENU SINGH
High Court of Judicature at Allahabad