

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41680 of 2023

Applicant :- Munna @ Asfaq

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

Counsel for Applicant :- Satya Prakash Rathor, Ashish Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicant 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 non-bailable warrant dated 11.08.2023 in Special Case No.40 of 2023 (Munna @ Asfaq vs. State) arising out of Case Crime No.464 of 2022 under Sections 363, 366, 354 I.P.C. and Section 8 of Protection of Children from Sexual Offence Act, 2012 Police Station Kotwali Mahoba, District Mahoba pending in the court of Additional Sessions Judge/Special Judge (POCSO Act), Mahoba.
3. After due deliberations at length, without addressing on the merits of the case, it is submitted by learned counsel for the applicant that due to some personal difficulty the present applicant could not appear before the court concerned in time to participate in the criminal proceeding which led issuance of non-bailable warrant against him. It is further submitted that applicant is 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. 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.
5. 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 Special Case No.40 of 2023 (Munna @ Asfaq vs. State) arising out of Case Crime No.464 of 2022 under Sections 363, 366, 354 I.P.C. and Section 8 of Protection of

Children from Sexual Offence Act, 2012 Police Station Kotwali Mahoba, District Mahoba pending in the court of Additional Sessions Judge/Special Judge (POCSO Act), Mahoba.

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

Order Date :- 30.11.2023

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