

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41762 of 2023

Applicant :- Shaukat Ali

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

Counsel for Applicant :- Ajay Kumar Srivastava, Rajendra Narain

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. for the following relief :-

"to set aside the entire criminal proceeding of Case No.8802 of 2020 (State vs. Shaukat Ali), which arisen from the cognizance order dated 17.10.2020 taken by the learned court of Chief Judicial Magistrate, Jhansi over the charge-sheet no.285 of 2020, dated 07.08.2020 submitted by the Investigating Officer in Case Crime No.489 of 2019 under Section 3/7 of Essential Commodities Act, related to Police Station Mauranipur, District Jhansi as well as impugned N.B.W. order dated 18.11.2020 which continued till 22.08.2023 passed by the learned Chief Judicial Magistrate, Jhansi in Case No.8802 of 2020 (State vs. Shaukat Ali), arising out of Case Crime No.489 of 2019 under Section 3/7 of Essential Commodities Act related to Police Station Mauranipur, District Jhansi."

3. After due deliberations at length, without addressing on merits of the case, learned counsel for the applicant has submitted that initially anticipatory bail was granted in favour of the present applicant, however, at later stage, after submission of the charge-sheet, bailable warrant has been issued which could not come to the knowledge of the applicant, therefore, he could not appear before the court below 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 Case No.8802 of 2020 (State vs. Shaukat Ali), arising out of Case Crime No.489 of 2019 under Section 3/7 of Essential Commodities Act related to Police Station Mauranipur, District Jhansi.

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

Order Date :- 6.12.2023

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