

Court No. - 86

Case :- APPLICATION U/S 482 No. - 42115 of 2023

Applicant :- Guddu@ Sharad Prakash

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

Counsel for Applicant :- Ravindra Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash impugned order dated 30.09.2023 passed by J.M., Etah in Case No.1306 of 2016, arising out of Case Crime No. 8 of 2008, under Sections 376, 511 and 506 IPC, Police Station Ganjdundwara, District Etah (now Kanshiram Nagar).

3. From perusal of the record, it transpires that on account of failure of the applicant to appear before the court below, non-bailable warrant has been issued against him vide order dated 30.09.2023.

4. Learned counsel for the applicant has submitted that the interest of justice shall be served, provided some protection is granted by this Court to enable the applicant to appear before the court below.

5. 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 non-bailable warrant, which shall be considered expeditiously in accordance with law.

6. For a period of three weeks from today, 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, this application under Section 482 CrPC is finally **disposed off**.

Order Date :- 17.11.2023

Subham