

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42444 of 2023

Applicant :- Anwar @ Anwar Khan

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

Counsel for Applicant :- Gyanendra Pratap Singh,
Manish Prajapati

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the impugned orders dated 16.05.2023 and 06.06.2023 passed by Chief Judicial Magistrate, Jhansi, in Case Crime No.C-7 of 2003, under Sections 147, 148, 149, 307, 504, 506 I.P.C., Police Station Nawabad, District Jhansi, whereby, firstly non-bailable warrants were issued against him and later the proceedings under Section 82 Cr.P.C. were initiated.

Learned counsel for applicant submits that the applicant is an accused in the above mentioned case and the charge sheet filed by the police in the above case was challenged by the applicant's father, namely, Abdul Malik through Criminal Misc. Application No.7446 of 2004, titled *Abdul Malik and 2 others Vs. State of U.P. and another*, wherein initially this Court had passed an order dated 11.08.2004 staying further proceedings. He submits that finally, the said petition was dismissed in the year 2010 and now the Court through the impugned orders is insisting for the presence of the applicant by issuing non-bailable warrants and by initiating proceedings under Section 82 Cr.P.C. Learned counsel submits that the applicant is willing to join the trial proceedings, therefore, has filed this application under Section 482 Cr.P.C. for quashing of the impugned orders.

During the course of hearing, learned counsel for the

applicant is unable to refer any convincing material to show that the applicant was not aware of the pendency of the subject case against him, whereas, on the other hand it is specifically mentioned that the applicant's father being co-accused had approached this Court by filing this application under Section 482 Cr.P.C., which was dismissed in the year 2010, therefore, it becomes clear that the applicant has not at all joined the trial proceedings.

Thus, considering his conduct, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C.

Resultantly, the application fails and is dismissed.

Order Date :- 21.11.2023

R./