

Court No. - 91

Case :- APPLICATION U/S 482 No. - 42425 of 2023

Applicant :- Kanhaiya

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

Counsel for Applicant :- Neeraj Pal

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

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

This application under Section 482 Cr.P.C. has been filed to quash the non-bailable warrant order 12.04.2023 passed by learned Additional Session Judge Court No.10, Mathura in Session Trial No.644 of 2018 (State Vs. Krishna & others) arising out of Case Crime No.194 of 2011, under sections 147, 148, 149, 307, 332,353, 427, 186 IPC and 7 Criminal Law Amendment Act, Police Station Highway, District Mathura as well as the entire proceeding.

The only submission raised by learned counsel for the applicant is that the court concerned vide orders dated 12.04.2023 has issued non-bailable warrant for appearance of the applicant. It is submitted that without issuing summons the court has issued non-bailable warrant. Counsel for the applicants has urged that an opportunity be granted to the applicant to file an application for recall of the order issuing non-bailable warrant.

Learned AGA has no objection to the said prayer.

The prayer for quashing the entire proceeding of criminal case arising out of charge-sheet is refused. However, it is provided that if the applicant files an application for recall of the order issuing non-bailable warrant within four weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.

For a period of four weeks, no coercive action shall be taken against the applicant.

In the event of failure, on the part of the applicant to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

With the aforesaid observations, this application is finally disposed of.

Order Date :- 30.11.2023/SFH