

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42386 of 2023

Applicant :- Vishal Singh @ Goldee Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Amarjeet Yadav, Vibha Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

This application u/s 482 Cr.P.C. has been filed by accused for quashing the order dated 24.03.2012 passed by Additional Sessions Judge, court no.1, Azamgarh in S.T. No.219 of 2010 (State vs. Vishal Singh) arising out of case crime no.1143 of 2010, under Section 8/22 N.D.P.S. Act, Police Station-Deogaon, District Azamgarh, pending in the court of Additional Session Judge, Court No.1, Azamgarh whereby on account of his absence, non-bailable warrants were issued against him to secure his presence.

Learned counsel for the applicant submits that the petitioner is an accused in case crime no.1143 of 2010 who was implicated for keeping in his possession 500 tablets of diazepam without any permit and during the proceeding before the trial court, he was extended the concession of regular bail vide order dated 19th October, 2010. He submits that since the family circumstances of the petitioner were not good, therefore, in order to redress the

same, he had left for Mumbai and on account of his absence, the trial court had passed the impugned order issuing non-bailable warrants against him. Learned counsel further states that the applicant is willing to join the proceedings before the trial court, therefore, he may be allowed to join the trial proceedings and the impugned order be set aside.

Upon hearing the learned counsel and considering his submissions, as well as the background of this case, this Court finds that the applicant after having availed the concession of regular bail abandoned the trial proceedings abruptly without seeking any permission from the court. The facts and circumstances of the case reveal that the accused-applicant was through out aware of the pendency of the case, but he never made any attempt to join the trial proceedings and even the delay of ten years in challenging the impugned order has not been explained sufficiently.

Thus, no case is made out for exercise of powers under Section 482 Cr.P.C. This application is dismissed.

Order Date :- 20.11.2023/Raj