

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43294 of 2023

Applicant :- Dhawal Kant Mishra @ Babblu Mishra

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

Counsel for Applicant :- Brijesh Kumar Srivastava, Shivanshu Shekhar

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

1. Applicant being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the order dated 19.6.2015 passed by Special Judge, Ganagster Court, Gorakhpur, in Gangster Trial No.71/14 titled State vs. Radheraman Tiwari and others arising out of Case Crime No.120 of 2013 under Section 3/1 of UP Gangster and Anti Social Activities (Prevention) Act, Police Station-Belipar, District-Gorakhpur, whereby non bailable warrants have been issued against him to secure his presence.

2. Learned counsel submits that the applicant was extended the concession of regular bail vide order dated 30th October, 2013 and thereafter he continued to appear before the trial court regularly, however, in June, 2015, he could not put in appearance before the court, therefore, the trial court proceeded to pass the impugned order issuing non-bailable warrants against him. He submits that the applicant being occupied in his business could not appear before the court and was not aware of the actual dates of hearing because of lack of communication with his counsel. He prays that the impugned order be set aside.

3. After hearing learned counsel and considering the submission,

this Court finds that the pendency of the criminal case is well within the knowledge of the applicant, who at the time of grant of bail, furnished bonds and gave an undertaking that he would continue to appear before trial court on each and every date of hearing. For whatever reason or, even if, it is assumed that he lost touch with his counsel and was not aware of the dates, even then it was incumbent for the applicant to trace out the next date of hearing in order to join the trial proceedings. The explanation offered for this long disengagement with the trial proceedings is not worth acceptance, therefore, the same is rejected.

4. Consequently, considering the conduct of the petitioner, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. The application fails and is dismissed.

Order Date :- 28.11.2023

LN Tripathi