

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43347 of 2023

Applicant :- Arif Khan Alias Gabbar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravindra Prakash Srivastava

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 of Code of Criminal Procedure seeking quashing of the order dated 15.4.2023 passed by Additional Sessions Judge-I, Siddharth Nagar, in Sessions Trial No.155 of 2022 titled State vs. Chandan Yadav and others arising out of Case Crime No.58 of 2020 under Sections 379, 411, 413 IPC and 3 Prevention of Damage to Public Property Act, 1984, Police Station-Siddharth Nagar, Distirct-Siddharth Nagar, whereby non-bailable warrants have been issued against him to secure his presence.

2. Learned counsel refers to the order dated 15th April, 2023, and submits that for his sole absence on the said date, the trial court issued the non-bailable warrants against him to secure his presence. He submits that the petitioner is willing to join the trial proceedings, therefore, the order dated 15th April, 2023 and the subsequent orders reiterating the issuance of non-bailable warrants against him be set aside.

3. During the course of hearing, it is stated by learned counsel that after the committal of the case before the Sessions Court, the petitioner was on bail, however, he is unable to substantiate his stand on the strength of the bail order, if any. Learned counsel refers to the order dated 18th April, 2022, and submits that on the said date only accused Amar Singh was present whereas the remaining accused were granted exemption from personal appearance, therefore, it would show that he was on regular bail.

4. After hearing learned counsel and examining the orders passed by the Sessions Court, Siddharth Nagar, it comes out that even prior to 15th April, 2023, the applicant was absent from the trial proceedings and continuously the court has been issuing warrants against him to ensure his presence. Further, the accused is well-

aware of the pendency of the trial proceedings, who has failed to show any reasonable ground for his long absence. Therefore, considering his conduct as well as the delay in challenging the order, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C.

5. Accordingly, this application is dismissed.

Order Date :- 28.11.2023

LN Tripathi