

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43949 of 2023

Applicant :- Santosh

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

Counsel for Applicant :- Sarvanand Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant-Santosh has filed this petition under Section 482 Cr.P.C. to challenge the chargesheet dated 25.3.2021 (Annexure-2) filed in Case No. 402 of 2020, titled State vs. Narsingh and another, arising from N.C.R. No. 168 of 2020, dated 18.8.2020, under Sections 323 and 504 I.P.C., P.S. Chauri Chaura, district-Gorakhpur, as well as order of cognizance dated 2.9.2021 passed by Nyay Adhikari, Gram Nyayalay, Chauri Chaura, Gorakhpur, and the entire proceeding arising therefrom.

Learned counsel for the applicant submits that on the basis of complaint filed by opposite party no. 2, namely Suresh against the applicant and his father Nem Singh (co-accused) the subject case was registered for commission of offences punishable under Sections 323 and 504 I.P.C., wherein after completion of investigation final report was filed and through the order of cognizance dated 2.9.2021 the accused were summoned. He further submits that co-accused has already been released on bail but as the applicant had left for Mumbai, therefore he did not appear before the court and on account of his absence the trial court has issued Non-Bailable Warrant against him, vide order dated 15.2.2023 and further proceedings under Section 82 Cr.P.C. has been initiated, vide order dated 31.3.2023

Learned counsel for the applicant further submits that since the court has taken coercive action against the applicant to secure his presence, therefore he confines his prayer only to the limited extent that the warrants issued against them be set

aside as the applicant is willing to join the trial proceedings or in the alternative he may be allowed to be represented only through counsel and his personal presence before the trial court be exempted.

After hearing learned counsel for the applicant and considering his submissions, this Court finds that along with applicant his father is an accused, who admittedly has been released on bail and it is not a case where the applicant was not aware of the trial proceedings against him. For whatever reason, the disengagement of the applicant with the trial proceedings is without any justification and the only prayer pressed during argument can be also made by him before the Court where the matter is pending. No other argument has been addressed.

Thus, in view of the above, this Court is not inclined to exercise the inherent powers under Section 482 Code of Criminal Procedure.

The petition is **dismissed**.

Order Date :- 1.12.2023

Faridul