

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44275 of 2023

Applicant :- Sudhir And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Shiv Sagar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants being accused have approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the impugned order dated 24.8.2023, initiating proceedings under Section 82 Cr.P.C. in Criminal Case No. 9173 of 2004, titled State vs. Sudhir Mishra, arising out of Case Crime No. 375 of 1997, under Sections 324, 323, 504, 506 I.P.C. and section 3(1) (10) SC/ST Act, P.S. Handia, district-Allahabad.

During the course of hearing, learned counsel for the applicant has fairly stated that the applicants were granted bail vide order dated 2.7.1997 and thereafter they left for Mumbai to pursue the job and got disengaged from the trial proceedings, resultantly the proceedings under Section 82 Cr.P.C. has been initiated against them.

Learned counsel for the applicant submits that the applicants absented from the trial proceedings as they were busy with their job and since the court has insisted for their presence and the applicants are also willing to join the trial proceedings, hence in the interest of justice the warrants and the process initiated against them to declare them as proclaimed offender be set aside.

Upon hearing learned counsel for the applicants and considering his submissions, this Court finds that the accused-applicants have failed to give any satisfactory explanation for their long absence from the trial proceedings. At the time of bail they furnished the bail bonds and gave an undertakings that they would continuously appear before the trial

court. Concededly the applicants did not appear despite knowledge of the pendency of the case, therefore, the impugned order passed under such compelling circumstances do not call for interference.

The petition is dismissed.

Order Date :- 5.12.2023

Faridul