

Court No. - 89

Case :- APPLICATION U/S 482 No. - 44776 of 2023

Applicant :- Vishal Chauhan

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

Counsel for Applicant :- Pooja

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.
2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the N.B.W. order dated 04.07.2023, charge sheet dated 07.04.2022, Cognizance order dated 23.05.2022 passed by Special Judge POCSO Varanasi as well as entire proceedings of Special Session Trial No. 584 of 2022 (State of U.P. Vs. Vishal Chauhan), arising out of Case Crime No. 93 of 2022, under Sections 354A, 504, 506 IPC & Section 7/8 of the Protection of Children from Sexual Offences Act, 2012, Police Station- Chhapra, District- Varanasi (Gramin), pending in the court of Special Judge, POCSO-2, Varanasi.
3. From the record, it transpires that on account of the failure of the applicant to appear before the court below, non-bailable warrant has been issued against the applicant by the court below vide order dated 04.07.2023.
4. Learned counsel for the applicant submits that interest of justice shall be served provided some protection is granted by this Court to enable the applicant to appear before the court below.
5. Considering the facts and circumstances of the case, it is provided that the applicant shall appear before the court concerned within two weeks from today and moves an application for recall of non bailable warrant, which shall be considered and disposed of expeditiously in accordance with law.
6. For a period of three weeks, the execution of non bailable warrant issued against the applicant shall remain stayed.
7. In case of default, the interim protection granted by this Court shall stand automatically vacated and the court below shall be free to proceed against the applicant in accordance with law.
8. With the aforesaid direction, the 482 application is finally **disposed off**.

Order Date :- 15.12.2023/Aditya