

Court No. - 12

Case :- APPLICATION U/S 482 No. - 7660 of 2023

Applicant :- Sunit Gautam

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, U.P.
Lucknow And Another

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the impugned non bailable warrant order dated 18.05.2023 passed by learned A.C.J.M.-II, Lucknow in Criminal Case No. 27867 of 2020 (*State vs. Ganesh Tiwari alias Pashupati Nath Tiwari and others*) arising out of Case Crime No. 29 of 2020 U/s 419, 420 I.P.C., Police Station- Shushant Golf, Lucknow.

3. Learned counsel for the applicant submits that applicant was enlarged on bail and he was appearing regularly before learned trial court but on one date, he could not appear before learned trial court. In this connection, exemption application was given by him but the same was rejected by learned trial court. It is further submitted that applicant does not have any criminal antecedents and he has ensured that he will appear on each and every date fixed before learned trial court till conclusion of the trial. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of applicant but he does not dispute this fact that applicant was on bail.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that applicant was on bail and he was appearing before trial court but on 18.05.2023, he did not appear before it and his exemption application was also rejected.

6. With the above observations, this Court is of the view that some lenient view is to be adopted by trial court. Therefore, the present application U/s 482 Cr.P.C. is **allowed** and the impugned order dated 18.05.2023 passed by learned A.C.J.M.-

II, Lucknow is hereby **quashed**.

7. Applicant is directed to appear before trial court on the next date fixed.

8. Trial court is also directed to conclude the trial, expeditiously.

9. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 2.12.2023

Arpan