

Court No. - 12

Case :- APPLICATION U/S 482 No. - 7970 of 2023

Applicant :- Shakti Singh

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

Counsel for Applicant :- Santosh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Supplementary affidavit filed by the learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.
3. This application has been filed for quashing the non-bailable warrant dated 30.03.2022 passed in Criminal Case No. 238 of 2021, (State Vs. Vikas Dubey & Ors.) arising out of F.I.R. No. 344 of 2021, under Sections 411, 413, 414, 419, 420, 467, 468, 471 I.P.C., P.S. Kotwali Nagar, District Ayodhya.
4. Learned counsel for the applicant submits that applicant has falsely been implicated in the present case. It is further submitted that the applicant was enlarged on bail and on the assurance of his counsel, he went to Surat, Gujrat in relation to the employment. It is also submitted that the applicant could not receive the information about the listing of the case before the trial court, due to which, he could not appear before the court below on the date fixed and the court below has issued impugned non-bailable warrant. Submission of the learned counsel for the applicant is that the applicant is ready to appear before the court below and he will not leave the district till conclusion of the trial. It is, thus, submitted that impugned order dated 30.03.2022 and its consequential proceedings may be quashed.
5. Learned A.G.A. opposes the prayer of the applicant, but

does not dispute the fact that the applicant was on bail, but since he failed to cooperate in the trial, non-bailable warrant was issued.

6. Considering the arguments advanced by the learned counsel for the applicants, learned A.G.A. and going through the contents of the application as well as other relevant documents, it is evident that the trial of the case in question is pending since 2021. It is also undisputed that applicant was enlarged on bail. However, he failed to appear before the court below on the date fixed and, therefore, non-bailable warrant was issued.

7. In view of the above facts and circumstances as well as the undertaking given by the learned counsel appearing for the applicant, order dated 30.03.2022 and its consequential orders are hereby set aside.

8. The application stands allowed.

9. However, the applicant is directed to cooperate in the trial and shall not leave the District till conclusion of the trial.

10. In case of breach of the aforesaid directions by the applicant, the court below shall proceed in accordance with law.

Order Date :- 11.12.2023

VKS