

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9881 of 2023

Applicant :- Mohammad Jakariya

Opposite Party :- Union Of India Thru. Its Zonal Director,
Narcotics Control Bureau Lko.

Counsel for Applicant :- Ayodhya Prasad Mishra A.P.

Mishra, Jaylaxmi Upadhyay, Rituraj Mishra, Shesh Ram Verma

Counsel for Opposite Party :- Sajeet Singh

Hon'ble Rajeev Singh, J.

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

2. Present application has been moved by the applicant to provide him at least one month's time to surrender in the Court of Additional District and Sessions Judge, Court No.4/Special Judge (N.D.P.S. Act), Lakhimpur Kheri in compliance of judgment and order dated 29.09.2023 passed in Special Case No.35/2016; Union of India Vs. Gautam Das and Ors. vide N.C.B. Case No.6/2016 U/S 8/20/29 of N.D.P.S. Act and till then order of non-bailable warrant issued by trial court dated 29.09.2023 be kept in abeyance.

3. Learned counsel for the applicants submitted that on 29.09.2023, the case in question was listed for delivery of judgment, as on the said date, his mother was fallen ill, therefore, he was busy in her treatment and requested to his counsel to inform the trial court with the prayer of adjournment, as on the said date, lawyers were also abstaining from judicial work, therefore, no one put in appearance on behalf of the applicant and the judgment was delivered on 29.09.2023 and applicant was convicted under Section 8/20/29 of N.D.P.S. Act, thereafter, the case was listed on 30.09.2023 for hearing on sentence, as the lawyers were abstaining from judicial work, therefore, the request of the applicant was not made before the trial court and the sentence order was also passed on 30.09.2023.

4. Learned counsel for the applicant drew attention of the Court on the documents related to the treatment of mother of the applicant and requested that at least 10 days' time may be granted to him for appearing before the trial court.

5. Shri Sajeet Singh, learned counsel for the private respondent

has no objection on the aforesaid prayer of the applicant that he will appear before the trial court within a period of ten days.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, the application is **disposed of** with the direction to the applicant to appear before the trial court on **26.10.2023 at 10:30.**

7. Till 26.10.2023, non-bailable warrant dated 29.09.2023 issued by the trial court against the applicant shall be kept in abeyance.

Order Date :- 12.10.2023

V. Sinha