

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10631 of 2023

Applicant :- Mukesh Kumar

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

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.
2. This application has been filed for quashing the charge sheet dated 11.04.2017 as well as non-bailable warrant dated 19.05.2022 passed in S.T. No. 80 of 2017, (State Vs. Mukesh Kumar & Ors.) arising out of Case Crime No. 940 of 2016, under Sections 323, 504, 506 I.P.C. and Section 3(2) (v) & 3(1)(iv) of SC/ST Act, P.S. Jagdishpur, District Sultanpur (now Amethi) and its entire proceedings.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case on the basis of incorrect facts, but the Investigating Officer filed the charge sheet in mechanical manner. It is further submitted that the applicant was enlarged on bail by the court below and was directed to appear before the court below on the dates fixed. It is also submitted that due to illness, the applicant could not appear before the court below, information of which, was given to his counsel with the request to move exemption application, but the same was not moved. Thereafter, the impugned non-bailable warrant was issued. It is lastly submitted that the applicant is ready to cooperate in the trial and shall appear on every date, which will be fixed by the trial court. It is, thus, submitted that the indulgence of this Court is necessary.
4. Learned A.G.A. opposes the prayer of the applicants and

submits that the applicant deliberately avoided the proceedings before the court below with the intention to linger on the same. However, he does not dispute the fact that the applicant was enlarged on bail by the court below.

5. 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 applicant was enlarged on bail. It is also evident that the request to move exemption application was made by the applicant to his counsel, but the same was not moved. Admittedly, the applicant may not be punished for the act of his counsel.

6. In view of above facts and discussions, the non-bailable warrant dated 19.05.2022 is hereby set aside.

7. Application stands allowed.

8. However, applicant is directed to appear before the court below on every date and cooperate in the trial.

Order Date :- 31.10.2023

VKS