

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10668 of 2023

Applicant :- Ram Babu Sachan

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

Counsel for Applicant :- Amar Jit Singh Bisen, Jagdish Pratap Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the applicant, Sri Sushil Kumar Pandey, learned A.G.A. for the State-opposite parties and perused the record.

The instant application under section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the order passed on the note-sheet of the file of Session Trial No. 2408 of 2019, State Vs. Ram Babu Sachan By the Additional District and Sessions Judge, Prevention of Corruption Act, Court No. 8, Lucknow on 03-06-2023 in her own handwriting to issue non bailable warrant/NBW against the accused applicant

Learned counsel for the applicant submits that the present applicant due to unavoidable circumstances could not appear before the court and thereafter, Non Bailable Warrant was issued against the applicant on 03-06-2023, which is also under challenge in this application.

On the other hand, learned A.G.A. appearing for the State has vehemently opposed the contention aforesaid and submits that the applicant is using the delay-dallying tactics in the matter and as such, the applicant is not entitled for any relief.

In rejoinder, learned counsel for the applicant submits that the interest of justice would be subserved if the present applicant is permitted to surrender before the court concerned and may file bail application and the same may be directed to be considered within the stipulated period of time as may be fixed by this court.

Learned counsel further undertakes that the applicant will appear before the court below within a period of 21 days and will apply for bail.

The counsel appearing for the State has no objection to the contentions abovesaid.

In view of the aforesaid submissions, the applicant is at liberty to apply bail application within 21 days from today and if such application is filed, the same shall be decided expeditiously.

For the period of 21 days, only the non-bailable warrant issued against the applicant shall remain stayed.

However, if the applicant does not appear before the court below within the aforesaid period and does not cooperate with the trial proceedings, this order shall stand revoked and no benefit of this order shall accrue to him.

The application is **disposed of**.

Order Date :- 1.11.2023
AKS