

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11212 of 2023

Applicant :- Nishant Agarwal Thru. Yes Traders

Opposite Party :- State Of U.P. Thru. Special Judicial Magistrate Unnao And Another

Counsel for Applicant :- Manish Jauhari, Ambuj Kumar Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant application under section 482 Cr.P.C. has been filed by the applicant to set aside the impugned order dated 14.03.2023 passed in Case no.93 of 2017 now numbered as Case no.535 of 2022 under Section 138 NI Act, 1881 pending before the Court of Additional Chief Judicial Magistrate-3, Unnao as well as to stay the order dated 14.03.2023 by which non-bailable warrant is issued.
3. It is further submitted that non-appearance before the court below is not deliberate but it had happened due to unavoidable circumstances. Learned counsel for the applicant submits that the applicant undertakes that he will not further jump the conditions of bail and will remain present on each and every date fixed by the court below.
4. Learned counsel further undertakes that the applicant will appear before the court below within a period of two weeks and apply for bail.
5. In view of the aforesaid submissions, for the period of two weeks, non bailable warrant dated 14.03.2023 issued against the applicant shall remain stayed.
6. The applicant is at liberty to move objection through counsel before the trial Court within a period of one week, if such an objection is filed, the trial Court may decide the same within further period of 10 days.
6. However, if the applicant does not appear before the court below within the aforesaid period, this order shall stand revoked and no benefit of this order shall accrue to him.
7. The application is ***disposed of***.

Order Date :- 9.11.2023/-Amit K-