

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10901 of 2023

Applicant :- Pancham @ Panchamnath And Another

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

Counsel for Applicant :- Lal Bahadur Khan

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the criminal proceeding of Criminal Case No.6613/2023, arising out of Case Crime No. 182/2022, under Sections 323, 452, 504, 506 I.P.C., Police Station Hanswar, District Ambedkar Nagar.

3. Learned counsel for the applicant submitted that applicants were falsely implicated and charge sheet was filed by the Investigating Officer. He also submitted that applicants cooperated in the investigation and during the course of investigation, they were not taken into custody, thereafter, bailable warrant was issued on 4.8.2023, then applicants appear before the court below and applied for bail on 29.8.2023, interim bail was allowed and the date was fixed on 13.9.2023 but by mistake it was noted as 19.9.2023, which was mentioned in the earlier order dated 4.8.2023 and his counsel also committed mistake in noting the date, as a result on 13.9.2023, neither the applicant nor his counsel appeared before the court below, due to which, non bailable warrant was issued. He further submitted that applicants are ready to cooperate in the trial and it was a bonafide mistakes, therefore, indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of the applicant but he does not dispute this fact that on

4.8.2023, order was passed for listing of the case on 19.9.2023. He also submitted that interim bail application of the applicant was allowed on 29.8.2023 and the applicant was directed to appear on 13.9.2023 at 10:30 A.M. but he failed to appear on the date fixed and thereafter, non bailable warrant was issued.

5. Considering the submissions of learned counsel for the parties, going through the contents of the application, order dated 4.8.2023 & 29.8.2023 as well as other relevant documents, as in the order dated 4.8.2023, the date was fixed on 19.9.2023, in the meantime, applicant applied for bail and his interim bail was allowed on 29.8.2023 and applicant was directed to appear before the court below but due to fault of his counsel, he could not appear, therefore, applicant should not be victimized, in such circumstances, non bailable warrant dated 13.9.2023 and its consequential orders are liable to be set aside.

6. In view of the above, the present application under Section 482 Cr.P.C. is **disposed of**.

7. Applicants are directed to appear before the court below on 20.11.2023 at 11:30 A.M.

8. Trial court is directed to proceed, in accordance with the law.

Order Date :- 7.11.2023

Gaurav/-