

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11659 of 2023

Applicant :- Sanju Kumar Gupta

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

Counsel for Applicant :- Ishuk Ali Yusuf

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and perused the record.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

"(i) quash the charge sheet dated 13.11.2016 submitted by the police of P.S. Husainganj, District Lucknow before the Court of Additional Chief Judicial Magistrate Ist Lucknow in Case Crime No. 0285/2016, Case No.292/2017, State of U.P. versus Sonu @ Golu Rathor, U/s 41,411, 419,420,467,468,471 I.P.C. Police Station- Husainganj, District-Lucknow against the petitioner and also quash the non bailable warrant dated 20.11.2019 in the interest of justice."

After arguing the matter at some length, learned counsel for the applicant submitted that justice would suffice if this application is disposed of with liberty to the applicant to prefer an application for recall of the order dated 20.11.2019, whereby, the Court concerned on account of non-appearance of the applicant, issued non-bailable warrant against him despite the fact that on previous date fixed in the case, the applicant was present before the court concerned.

The aforesaid prayer has been opposed.

Considering the aforesaid, this Court is not inclined to entertain this application for the main relief sought.

Accordingly, the instant application is disposed of with liberty to the applicant to prefer an appropriate application for recall of the order dated 20.11.2019 passed by concerned court within a period of two weeks' from today. In case, such an application is moved, the same shall be disposed of expeditiously, in accordance with law by means of a reasoned and speaking order.

For a period of two weeks from today, no coercive action shall be taken against the applicant so far as the proceedings in issue are concerned.

With the aforesaid, the instant application is ***disposed of finally.***

Order Date :- 30.11.2023

Arun/-