

Court No. - 23

Case :- APPLICATION U/S 482 No. - 11962 of 2023

Applicant :- Vipin Kumar Singh And 4 Others

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

Counsel for Applicant :- K.K. Singh, Kamlesh
Jyoti Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard Sri Faizal Hashmi, Advocate holding brief of Shri K. K. Singh, learned counsel for the applicants, learned A.G.A. for the State and perused the entire record.

In view of the order which is proposed to be passed today, notice to opposite party No.2 is hereby dispensed with.

The instant application under Section 482 Cr.P.C. has been filed by the applicants for quashing the impugned Non Bailable Warrant dated 14.09.2023 issued in Criminal Case No.1810 of 2022 "State vs. Ravi Kumar Singh and others" in Case Crime No.1211 of 2021, under Sections 498A, 323, 504, 506, 406 I.P.C. and Section 3/4 D. P. Act, Police Station Kotwali Nagar, District Sultanpur pending before the Court of learned C.J.M., Court No.16, Sultanpur.

It is also submitted by learned counsel for the applicants that due to the absence of present applicants in the Court concerned, the impugned

non-bailable warrants were issued against them. He has also submitted that the process of non-bailable warrants issued against the applicants is in contravention of law laid down by the Hon'ble Supreme Court in **Raghuvansh Dewanchand Bhasin vs. State of Maharashtra** reported in **(2012) 9 SCC 791** and in **Inder Mohan Goswami and another vs. State of Uttaranchal and others** reported in **(2007) 12 SCC 1**.

Per contra, learned A.G.A. controverts the submissions of learned counsel for the applicants on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial. At this initial stage, the fact of innocence of the applicants can also not be determined.

On the basis of the aforesaid, he submits that no interference with the non-bailable warrant order dated 14.09.2023 and proceedings is warranted at this stage and, therefore, the application is misconceived and is liable to be dismissed.

Having heard the learned counsel for the applicants, learned A.G.A. for the State and upon perusal of record, it transpires that at this stage there is no material available on record to reveal as to how and under what circumstances, the impugned non-bailable warrants order dated

14.09.2023 came to be issued against the applicants. Therefore, the instant application seeking quashing of impugned non-bailable warrants order dated 14.09.2023 lacks merit which deserves to be dismissed.

However, it is needless to mention here that in the eventuality of filing of any application by the applicants for cancellation of process issued against them/ seeking bail, the learned court shall dispose of such application on its own merits keeping in view the law laid down by the Hon'ble Supreme Court in **Raghuvansh Dewanchand Bhasin' case (supra)** and in **Inder Mohan Goswami's case (supra)** in respect of issuance of process(s) and also keeping in view the law laid down by the Hon'ble Supreme Court in **Satender Kumar Antill vs. Central Bureau of Investigation and others** reported in **MANU/SC/1024/2021**.

With the aforesaid observations, the instant application under Section 482 Cr.P.C. is finally disposed of.

Order Date :- 8.12.2023
Mahesh