

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12062 of 2023

Applicant :- Smt. Indu Bala Chaudhary

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, U.P.
Lucknow And Another

Counsel for Applicant :- Vidya Kant Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing non bailable warrant dated 28.11.2023 issued by Judicial Magistrate/Civil Judge, Junior Division, Mahmudabad, District- Sitapur as well as entire proceedings of Complaint No.1467/2023 under Section 138 of NI Act, P.S.- Rampur, Mathura, District- Sitapur.
3. Learned counsel for the applicant submitted that the applicant is a lady aged about 66 years and she could not appear before this trial court on the date fixed, therefore, exemption application was submitted but the same was rejected by the trial court. He further submitted that the case in question is pending since June, 2023 and applicant is ready to cooperate in the proceeding, therefore, the impugned order is liable to be set aside.
4. Learned A.G.A. opposed the prayer of applicant and submitted that there was specific order of appearance of the applicant but in place of putting her appearance before the trial court, exemption application was filed which was rejected as the same was filed only with the intention to delay the proceeding of the case in question, therefore, there is no illegality in the order passed by the trial court.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the impugned order dated 28.11.2023 that the exemption application was submitted on the ground of ailment but the same was rejected by the trial court, as the matter is pending since June, 2023, therefore, impugned order dated 28.11.2023 passed by Judicial Magistrate/Civil Judge, Junior Division, Mahmudabad, District- Sitapur in Complaint No.1467/2023 is **set aside** along with its consequential order, applicant is directed to appear before the trial court and submit her reply within a period of two weeks.

Trial court is also directed to proceed in accordance with law.

6. Accordingly, the application is hereby **disposed of**.

Order Date :- 13.12.2023

V. Sinha