

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12214 of 2023

Applicant :- Prateek Singh @ Chanchal Singh

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

Counsel for Applicant :- Sushilendra Kumar Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant to set aside the order dated 27.10.2021 passed by Additional District Judge/F.T.C.-II, Sultanpur in S.T. No.24/2020 arising out of F.I.R. No.586/2019 under Section 3/25 of Arms Act, P.S. Gosaiganj (Gauriganj), District- Sultanpur.
3. Learned counsel for the applicants submitted that the applicant was enlarged on bail in the present case as he was cooperating in the proceeding but he was taken into custody in Case Crime No.585/2019 but this fact was not brought into the notice of trial court, as a result, non-bailable warrant was issued against the applicant. He further submitted that recall application was also moved by the applicant but the same was rejected by the trial court in the most mechanical manner, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicants but he does not dispute that in the present case, applicant was enlarged on bail and in another case, he was taken into custody but the information was not given to 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 that at the time of issuance of non-bailable warrant, applicant was in jail, therefore, trial court has rightly passed the order dated 27.10.2021.
6. Accordingly, the application is **allowed** and the order dated 27.10.2021 passed by Additional District Judge/F.T.C.-II, Sultanpur in S.T. No.24/2020 is hereby **set aside**.
7. Applicant is directed to appear before the trial court on the next date.

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

Order Date :- 15.12.2023

V. Sinha