

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12635 of 2023

Applicant :- Akhilesh Kumar Singh Alias Devi

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

Counsel for Applicant :- Sudhir Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the state and perused the record.

2. The present application has been filed for quashing the order dated 05.08.2022 passed by learned Special Judge Gangster Act/Additional District and Sessions Judge, Court No. 5, Faizabad/Ayodhya in S.S.T. No. 18 of 2022 vide Crime No. 311 of 2021 U/s 3(1) of U.P. Gangster Act, Police Station- Kotwali Ayodhya, District- Ayodhya.

3. Learned counsel for the applicant submits that applicant was enlarged on bail in the present case, thereafter, he was taken into custody in another case i.e. Case Crime No. 120 of 2019 U/s 307, 324, 341, 342 I.P.C. He further submits that as the appropriate information was not given by learned counsel for the applicant, non bailable warrant was issued against applicant in the present case. He further submits that applicant is ready to cooperate in the trial of the present case, therefore, the impugned order may be set aside.

4. Mr. Ran Vijay Singh, learned A.G.A. has no objection, in case, the impugned order is set aside. He does not dispute this fact that applicant was confined in jail at Samastipur, Bihar in relation to Case Crime No. 120 of 2019 (supra).

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that applicant was enlarged on bail in the present case but at the same time, he was taken into custody in another case as stated above. As appropriate information was not given to learned trial court, non bailable warrant was issued against applicant.

6. In view of above, this Court is of the view the present application U/s 482 Cr.P.C. is **allowed** and the impugned order

dated 05.08.2022 passed by learned Special Judge Gangster Act/Additional District and Sessions Judge, Court No. 5, Faizabad/Ayodhya as well as its consequential proceedings are hereby **set aside**.

7. Applicant is directed to cooperate in the proceedings of the trial.

8. Office is directed to communicate this order to the trial court, forthwith.

Order Date :- 22.12.2023

Arpan