

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2456 of 2024

Applicant :- Om Prakash @ Fullu @ Om Prakash Yadav And Another

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

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri O.P. Tiwari, learned counsel for the applicants and Shri S. P. Tiwari, learned A.G.A. for the State.

The instant application has been filed by the applicants for quashing the impugned non-bailable warrant dated 25.01.2024 passed by the learned Judicial Magistrate, Safipur, District-Unnao in Case No.4023 of 2022, State v. Om Prakash @ Fullu and others arising out of Case Crime No.380 of 2016 under Sections 384, 420, 506 IPC, Police Station-Safipur, District-Unnao, pending in the court of learned Judicial Magistrate, Safipur, District-Unnao.

The applicants were enlarged on bail by the learned trial court. The applicants also attended the trial proceedings from time to time. Thereafter the case of the applicants was transferred from the district court to the court of learned Judicial Magistrate, Safipur, District-Unnao. The applicants were not intimated the fact of the aforesaid transfer nor did they receive summons from the learned trial court. There was no communication in

this regard by the office of the learned counsel for the applicants. The applicants were unaware of the aforesaid transfer of the case. They could not appear before the learned trial court for bonafide reasons. The applicants undertake to appear before the learned trial court on all appointed dates.

In wake of the aforesaid, the impugned non-bailable warrant dated 25.01.2024 passed by the learned Judicial Magistrate, Safipur, District-Unnao in Case No.4023 of 2022, State v. Om Prakash @ Fullu and others arising out of Case Crime No.380 of 2016 under Sections 384, 420, 506 IPC, Police Station-Safipur, District-Unnao, pending in the court of learned Judicial Magistrate, Safipur, District-Unnao is quashed.

The applicants are directed to appear before the learned trial court on **30.04.2024** and all subsequent dates, unless personal presence is exempted by the learned trial court.

The Application U/S 482 is allowed.

Needless to add, in case the applicants do not cooperate with the trial, the learned trial court may proceed against the applicants as per law.

Order Date :- 19.3.2024

Ashish Tripathi