Court No. - 28

Case :- APPLICATION U/S 482 No. - 11214 of 2024

Applicant :- Shiv Kumar Mahto And 2 Others
Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko. And Another
Counsel for Applicant :- Shiv Sharan Singh
Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

The present application has been filed for the following main relief(s):-

"(i) to quash the Charge Sheet, relating to Case Crime No. 447/2014, Under Section- 41, 411, 413, 403 IPC, P.S.- Krishna Nagar, District-Lucknow, contained as Annexure No. 2;

(ii) to quash the proceeding arises out of Session Trial No. 404/2015, State Vs. Prem Mahto and others, in Case Crime No. 447/2014, Under Section- 41, 411, 413, 403 IPC, P.S.- Krishna Nagar, District-Lucknow, pending before the Addl. District Judge 16, Lucknow;

(iii) to quash the B.W. issued on dated 10.08.2022 as well as NBW issued on dated 20.12.2022 by the Addl. District Judge 16, Lucknow contained as Annexure No. 3 and 4."

Considering the facts and circumstances of the case as also the law laid down by the Hon'ble Apex Court in the case of ***Inder Mohan Goswami and another vs. State of Uttranchal and others*** reported in ***(2007) 12 SCC 1***, ***Sunil Tyagi vs. Govt. of NCT of Delhi and another*** reported in ***2021 SCC OnLine Del 3597*** and ***Satender Kumar Antil versus Central Bureau of Investigation and another*** reported in ***(2022) 10 S.C.R. 351 : (2022) 10 SCC 51*** and the statement of counsel for the applicants that the applicants would appear before the court concerned, it is provided that if the applicants appear before the court concerned within two weeks from today and move an appropriate application before the trial court including for recall of non-bailable warrant, the same shall be considered and decided by the trial court expeditiously strictly in accordance with law.

For a period of two weeks, no coercive action shall be taken against the applicants so far as the proceedings in issue are

concerned.

In case, the applicants do not appear in terms of this order, coercive action shall be taken against them.

The present application is **disposed of** in above terms.

It is made clear that any unnecessary adjournment shall not be granted to either of parties. In case any necessary adjournment is sought, the trial court is at liberty to proceed in accordance with law.

[**Brij Raj Singh, J.]**

Order Date :- 10.12.2024
Anuj Singh

Digitally signed by :-
ANUJ PRATAP SINGH
High Court of Judicature at Allahabad,
Lucknow Bench