HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37066 of 2026

Shaukin

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Harish Kumar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE PRASHANT MISHRA-I, J.

1. Heard Sri Harish Kumar Shukla, learned counsel for the applicant and learned A.G.A. for the State.

2. The instant application has been preferred with a prayer to quash the entire proceedings of Complaint Case No.36 of 2024, (Bhagwan Swarup Vs. Shaukin), under section-138 of Negotiable Instrument Act, 1881, P.S. Sector-20, District Gautam Budh Nagar, pending before learned Additional Chief Judicial Magistrate II, Gautam Budh Nagar, as well as Non Bailable Warrant dated 19.03.2025 passed in the aforesaid case.

3. Learned counsel for the applicant has filed the instant application challenging the impugned order dated 19.03.2025 by which the learned trial court has issued Non Bailable Warrant, as mentioned above, against the applicant. He submits that the applicant was regularly appearing in the matter before the learned trial court but the record of his case was transferred from the court of Additional Chief Judicial Magistrate- II, Gautam Budh Nagar to Additional Civil Judge (J.D.)-Ist, Gautam Budh Nagar and thereafter his file got missing. Subsequently, when the file got traced by the office of the learned trial court, then only the applicant came to know that NBW has been issued against him and earlier, the applicant was on bail in the aforesaid case. He further submits that the applicant is not willing to abscond from the trial of the aforesaid case and is ready to appear before the learned trial court concerned to face trial, however, he prays for some protection.

4. Learned A.G.A. has no objection if some protection is granted to the applicant as he is ready and willing to face the trial.

5. Considering all aspects of the matter, the instant application is finally disposed of with a direction to the learned trial court that in case the applicant appears before the concerned learned trial court and moves an appropriate application for cancellation of non bailable warrant, within one month from the date of production of certified copy of this order, the learned trial court shall consider and dispose of

the same in accordance with law, considering the grounds mentioned in the said application.

6. For a period of one month from the date of production of certified copy of this order or till the applicant appears before the learned trial court and files an application for cancellation of non bailable warrant, whichever is earlier, no coercive action shall be taken against the applicant, however, in case of default, the learned trial court is at liberty to proceed against the applicant.

(Prashant Mishra-I,J.)

October 23, 2026
Saurabh

Digitally signed by :-
SAURABH
High Court of Judicature at Allahabad