

Court No. - 48

Case :- APPLICATION U/S 482 No. - 2883 of 2017

Applicant :- Vineet Agnihotri

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Suresh Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Naheed Ara Moonis,J.

Heard learned counsel for the applicant and the learned AGA and have taken through the record.

By means of the present application under Section 482 Cr.P.C. the applicant has invoked inherent jurisdiction of this Court with a prayer to quash the order dated 22.5.2015 whereby non-bailable warrant has been issued against him in Case No. 1249 of 2015 arising out of Case Crime No.192 of 2001 under sections 323/504/506/352 IPC Police Station Civil Lines, District Etawah.

It is submitted by the learned counsel for the applicant that the applicant is maliciously being prosecuted in the present case. The applicant has continuously been appearing before the court concerned but due to unavoidable circumstances on account of serious ailment, he could not appear and the Magistrate has taken very rigorous view by issuing the non-bailable warrant against him. The applicant undertakes to appear before the court below on each and every date. The applicant may be granted some protection.

Per contra learned AGA opposed the contention of the learned counsel for the applicant contending that there is no illegality or perversity in the order dated 22.5.2016. The court below has adopted correct process for securing the presence of the applicant as the applicant is trying to elongate the proceedings.

Having considered rival submissions advanced by the learned counsel for the parties, this Court does not find any justifiable ground for quashing the non-bailable warrant issued against the applicant in exercise of its inherent powers conferred under section 482 Cr.P.C. . The application is bereft of merits and is accordingly dismissed.

However, considering the facts and the circumstances of the case , it is directed that in case applicant appears before the court concerned in the aforesaid case within 30 days and applies for bail, the same shall be heard and disposed of in accordance with law.

For a period of thirty days, no coercive action shall be taken against the applicant in the aforesaid case.

Order Date :- 8.2.2017

Naim