

Indramani Dubey vs State Of U.P. And Another on 31 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14459

Court No. - 76

Case :- APPLICATION U/S 482 No. - 2883 of 2025

Applicant :- Indramani Dubey

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Sanjay Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C., has been filed for quashing the Non Bailable Warrant dated 03.12.2015 and order dated 21.06.2024 by which proceedings under Section 82 Cr.P.C. has been initiated against the applicant in Case No. 5140 of 2014, titled State v. Indramani Dubey, arising out of Case Crime No.609 of 2014, under Sections 279, 337, 338, 304-A, 427 IPC and Section 112, 183 of Motor Vehicle Act, P.S. Kotwali Dehat, District Mirzapur, pending in the Court of learned Additional Chief Judicial Magistrate-I, Mirzapur.
3. Learned counsel for applicant submits that impugned order is against the facts and law. The applicant had no knowledge about the proceedings initiated against him due to which they could not appear on the date fixed by the trial Court, hence, non-bailable warrant was issued against the applicant.

4. Per contra, learned A.G.A opposed the prayer.

5. Considering the facts and circumstances of the matter, subject to deposit of Rs.5,000/- by the applicant in favour of District Legal Services Authority concerned, it is directed that in case the applicant appears and moves appropriate application before the trial Court for recalling the impugned order, the same shall be decided expeditiously in accordance with law. For a period of 15 days or till the applicant moves an application before the trial Court, whichever is earlier, no coercive action shall be taken against the applicant. Further, the Court shall not entertain the fictitious and repetitive personal exemption application, and if filed, the same shall be dismissed with reasonable costs.

6. With the aforesaid observation, the application is disposed of.

Order Date :- 31.1.2025 A. Tripathi Justice Vinod Diwakar