
(2015) 04 AHC CK 0170

In the Allahabad High Court

Case No : Criminal Misc. Application No. 8478 of 2015

Chandi

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 18-04-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 354

Citation : (2015) 2 ACR 1374

Hon'ble Judges : Harsh Kumar, J

Bench : Single Bench

Advocate : Pankaj Srivastava and Neeraj Srivastava, for the Appellant

Final Decision : Dismissed

Judgement

Harsh Kumar, J—Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record. Learned counsel for the applicant prayed for quashing of order dated 16.11.2014, issuing non-bailable warrant passed by A.C.M.M., Kanpur Nagar as well as the proceedings of Criminal Case No. 3159 of 2011, State v. Chandi, arisen out of Case Crime No. 173 of 2008, under Section 354, I.P.C.

2. Learned A.G.A. has defended the impugned order and contended that the applicant is absconding since long.

3. In the case of Dr. Monica Kumar and Another Vs. State of U.P. and Others, (2008) 7 JT 194 : (2008) 9 SCALE 166 : (2008) 8 SCC 781 , the Hon'ble Apex Court has held that "inherent jurisdiction under Section 482 has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself."

4. Upon hearing learned counsel for the parties and perusal of record, it is undisputed that the charge-sheet was filed against applicant on 30.7.2008 upon which cognizance was taken and since then the applicant is absconding and

process of non-bailable warrants have been issued against him since before 31.5.2013 and earlier. Learned counsel for applicants has failed to prove that exercise of inherent powers of this Court is necessary in order to prevent any abuse of process of court or otherwise to secure the ends of justice. The application is devoid of merits and is liable to be dismissed. The application under Section 482, Cr. P.C. is dismissed accordingly.