
(1999) 01 AHC CK 0114

In the Allahabad High Court

Case No : Criminal Miscellaneous Case No. 84 of 1999

Kumari Nisha Verma

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 29-01-1999

Acts Referred:

Citation : (1999) 3 ACR 2770

Hon'ble Judges : J.C. Mshra, J

Bench : Single Bench

Advocate : K.S. Rastogi, for the Appellant; G.A., for the Respondent

Judgement

J.C. Mshra, J.—It has been contended that the applicant is a young girl of 25 years and on account of illness she could not appear and consequently her prayer for dispensing with her attendance on January 27, 1999 was refused and warrant was issued against her. The learned Counsel contended that on a particular date the report regarding death of Smt. Vidyawati has not been received nor the prosecution witness was present and, therefore, the case could not have proceeded even if she had appeared. The learned Counsel also states that in future the applicant shall attend the Court regularly on each and every date.

2. On consideration of the entire facts and circumstances and the submissions made by the learned Counsel for the applicant and the learned Additional Government Advocate I think it proper to quash the order subject to the undertaking by the applicant in the Court concerned that she will attend the Court on each and every date.

3. The application is allowed. The impugned order and the order issuing warrants are quashed. The applicant shall furnish undertaking as stated above within one month.

4. Despite the undertaking it shall be open to the Court concerned to grant her exemption if it is satisfied about the genuineness of the cause shown by her.