
(2010) 09 AHC CK 0448
In the Allahabad High Court
Case No : U/S 482/378/407 No. 3627 of 2010

Shishu Pal Singh and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 14-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 452, 504, 506

Citation : (2010) 09 AHC CK 0448

Hon'ble Judges : Raj Mani Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Raj Mani Chauhan, J.—Heard learned Counsel for the petitioners and learned Additional Government Advocate for the State as well as perused the documents available on record.

2. This petition u/s 482 of the Code of Criminal Procedure (hereinafter referred to as the "Code") has been filed by the petitioners with the following prayers:

It is humbly prayed that this Hon''ble Court may kindly be pleased to quash the summoning order dated 29.3.2006 passed by Chief Judicial Magistrate and order dated 06.8.2010 to issue N.B.W. against petitioners in Criminal Case No. 3419 of 2009 (State v. Sudhir Kumar and Ors.) Crime No. 266A of 2005 under Sections 452/323/504/506 IPC, P.S. Bilgram, District Hardoi and also to quash the charge sheet submitted by the police.

3. The submission of learned Counsel for the petitioners is that the petitioners were regularly attending the court on the date fixed but they could not attend the Court on 06.8.2010 on account of illness, therefore, an application was moved by their counsel to exempt their personal appearance but the Trial Court rejected their application and ordered for forfeiture of their bail bonds as well as issued non bailable warrant against them. Learned Counsel for the petitioners

assures that the accused will regularly attend the Trial Court without any further default.

4. Learned A.G.A. opposed the petition.

5. Considered the submissions of learned Counsel for the petitioners and learned A.G.A. for the State.

6. I have gone through the impugned summoning order. From a perusal of the impugned order, it appears that the accused-petitioners were in habit of moving exemption application through their counsel. The case relates to the year 2005. The Trial Court keeping in view the dilatory tactics of the accused had no option except to issue N.B.W. against them which in my opinion does not suffer from any illegality and does not call for any interference.

7. The petition is devoid of any merit and is liable to be dismissed.

8. The petition is, therefore, dismissed.

9. However, keeping in view the assurances of learned Counsel for the petitioners that the accused will regularly attend the Trial Court in future, it is provided that in case the accused appear before the court concerned and move any application for filing fresh bail bonds, the same will be disposed of by the Trial Court expeditiously preferably on the same day provided that the accused file an undertaking that they will not make any default in future unless for the cogent reasons.