

Court No. - 67

Case :- APPLICATION U/S 482 No. - 434 of 2023

Applicant :- Chandrapal

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Hardev Prajapati

Counsel for Opposite Party :- G.A.

Hon'ble Rahul Chaturvedi,J.

Heard Shri Hardev Prajapati, learned counsel for the applicant and learned A.G.A. Perused the record.

It is contended by learned counsel for the applicant that respondent nos.3, 4 and 5 are the accused of Special Session Trial No.183 of 2015 (State vs. Jay Prakash and others) u/s 436, 395, 397 I.P.C., P.S.-Qadar Chowk, District Budaun. It is further contended by learned counsel for the applicant that respondent nos.3, 4 and 5 are the police personnel, who are being accused, but they are not co-operating with the trial.

It is shocking to see that non bailable warrants were issued against the respondent nos.3, 4 and 5 for the first time way back on 20.7.2016 and now we are in January, 2023 but after lapse of even six years, learned Additional District Judge/Special Court/D.A.A., Badaun was unable to get the non bailable warrants executed against police personnel. Indeed it is a shocking state of affairs. The police personnel are not above the law and the application of law and legal provisions should be one and same for all and no special treatment shall be given to any person depending upon his position, power and place in the society.

Under these circumstances, learned Additional District Judge/Special Court/D.A.A., Badaun is required to give written explanation as to why order dated 20.7.2016 issuing non bailable warrants has not been complied with till date.

Let this matter be come on the board once again on 01.2.2023 as fresh.

By that time this Court expects that if there is no other legal impediment, the learned Additional District Judge/Special Court/D.A.A., Badaun shall execute his own non bailable warrants against the respondent no.3, 4 and 5 and give a report to this effect by the next date fixed.

Let this order may be handed over to the learned A.G.A. for communication and compliance.

Order Date :- 9.1.2023/M. Kumar