

Nafees Haider Vs. State of U.P.

Nafees Haider Vs. State of U.P.

SooperKanoon Citation : sooperkanoon.com/474869

Court : Allahabad

Decided On : Dec-17-1990

Reported in : 1991CriLJ1690

Judge : S.I. Jafri, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 313 and 482

Appeal No. : Criminal Misc. No. 2258 of 1990

Appellant : Nafees Haider

Respondent : State of U.P.

Advocate for Def. : A.G.A.

Advocate for Pet/Ap. : Kamal Krishna, Adv.

Judgement :

ORDER

S.I. Jafri, J.

1. Instant application has been filed by Nafis Haider Under Section 482, Cr. P.C. praying therein that the order dated 27th Oct. 1990 passed by C. J. M. Jaunpur issuing there-by non-bailable warrants against the applicant in complaint case No. 3700 of 1990. It has also been prayed by the learned counsel for the applicant that

the applicant be exempted of his personal attendance in the Court of C.J.M. Jaunpur where the aforesaid case is pending.

2. I have heard Sri Kamal Krishna, learned counsel for the applicant as well as the learned counsel for the State. The learned counsel for the applicant has submitted before the court that the applicant has been serving in Saudi Arabia and as such it is not possible for the applicant to be present on each and every date in the court below. It is next contended by the learned counsel for the applicant that an application seeking exemption of personal attendance in the court was moved before the C.J.M. Jaunpur and while rejecting the application of the applicant, the learned C.J.M. issued non-bailable warrants for securing attendance of the applicant fixing 14-12-1990.

3. I have considered the facts and circumstances of the case and taking into account the submissions advanced by the learned counsel for the applicant I feel that case for exemption of the applicant's personal attendance in the court below is amply made out. It would be useful to observe that in cases of petty nature like the present one, the court should have liberal approach as by grant of such exemption, it would result in no harm either to the complainant or the state in the conduct of the trial.

4. In the result the order dated 27th Oct 1990 passed by C.J.M. Jaunpur is set aside. The applicant is directed to move fresh application before the C.J.M. Jaunpur for seeking exemption of his personal attendance in the court below, which the C.J.M. is directed to allow thereby exempting the applicant of his personal attendance in the aforesaid complaint case No. 3700 of 1990. However, the applicant is directed to present himself before the court at the time of recording of his statement Under Section 313, Cr. P.C. and thus, the application is finally disposed of.