



2026:AHC:124369

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 22856 of 2026

Bhuvnesh Jindal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Awadhesh Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 34

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Awadhesh Kumar Yadav, learned counsel for the applicant, Sri Anil Kumar Ojha, learned A.G.A. for the State and perused the record.

2. This application under Section 528 B.N.S.S. has been filed by the applicant with the prayer to quash the non bailable warrant dated 29.8.2025 as well as process under Section 82/83 Cr.P.C. dated 26.2.2026 issued by Additional Chief Judicial Magistrate-Ist, Gorakhpur against the applicant in Complaint No.203 of 2010 (Janardan Chaudhary Vs. Bhuvnesh Jindal) under Section 138 of N.I. Act, Police Station Gorakhnath, District Gorakhpur.

3. Learned counsel for applicant submitted that opposite party No.2 filed a complaint under Section 138 of N.I. Act. The opposite party No.2 was examined under Section 200 Cr.P.C. on 25.3.2010. Thereafter the learned Magistrate summoned the applicants under Section 138 of N.I. Act, vide order dated 20.7.2010. The applicant appear before the trial court on 18.12.2012 and filed his bail bonds. The applicant was regularly appearing before the trial court but due to some personal work he could not appear on some dates and his counsel filed an exemption application for appearance, which was allowed from time to time. Thereafter on 29.8.2025 the trial court issued N.B.W. against him and thereafter vide order dated 16.7.2020 issued process under Section 82 and 83 Cr.P.C. The trial court also issued N.B.W. under Section 82/83 has committed gross illegality and the impugned order is liable to be set aside and the application is liable to be allowed.

4. Per contra, learned A.G.A. submitted that the learned trial court has not committed any illegality. The applicant deliberately tried to delay the trial of the complaint case and failed to appear on the dates fixed for hearing. Due to his non-appearance, the trial court issued non-bailable warrants against him and thereafter initiated proceedings under Sections 82/83 Cr.P.C. Therefore, the present application is liable to be dismissed.

5. As per the facts of the case, opposite party No. 2 filed a complaint under Section 138 of the N.I. Act. Thereafter, the statement of opposite party No. 2 was recorded under Section 200 Cr.P.C., and the learned Magistrate, vide order dated 20.07.2010, summoned the applicant under Section 138 of the N.I. Act.

6. The applicant has filed a photocopy of the proceedings of the learned trial court. From the perusal of the order sheet, it transpires that notices were issued for the appearance of the applicant, but he failed to appear. Thereafter, non bailable warrants were issued against him. The applicant appeared before the trial court on 18.12.2012 and furnished his bail bonds. The order sheet further reveals that on most of the dates, the applicant did not appear before the trial court and sought exemption from personal appearance, thereby delaying the proceedings of the case. It is also evident that opposite party No. 2/complainant filed Application U/S 482 No.29160 of 2015 before this Court, and a Co-ordinate Bench of this Court, vide order dated 29.09.2015, directed the trial court to ensure that proceedings of the complaint case are taken to its logical conclusion as expeditiously as possible. The statement of the applicant under Section 251 Cr.P.C. was recorded on 15.06.2016. The proceedings remained pending, and the case has been fixed for hearing since 2020. The conduct of the applicant clearly indicates that he has been attempting to delay the disposal of the complaint case.

7. In view of the above, the learned Magistrate has not committed any illegality in issuing non-bailable warrants and initiating proceedings under Sections 82/83 Cr.P.C.

8. Considering the facts and circumstances of the case, I do not find any ground to quash the aforementioned case, therefore, the prayer for

quashing the same is hereby refused.

9. Accordingly, the application is **dismissed**.

(Chawan Prakash,J.)

June 1, 2026

Md Faisal