

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.1241 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Vikas Anand, Ms. Zeba Naaz and Mrs. Gyan Mati Kushwaha, Advocates for the applicant. Mr. Deepak Bisht, Deputy Advocate General for the State of Uttarakhand.</p> <p>2. This Criminal Miscellaneous Application has been filed by the applicant challenging the order dated 27.03.2026 passed by the learned F.T.C./Additional Sessions Judge/Special Judge, POCSO, Rudrapur, District Udham Singh Nagar in Special Sessions Trial No.149 of 2026, whereby Non-Bailable Warrants have been issued against the applicant.</p> <p>3. Learned counsel for the applicant submitted that the applicant was facing trial along with other co-accused persons in the aforesaid case and had regularly appeared before the trial Court during the course of proceedings. It is submitted that on 12.03.2026, the date fixed for pronouncement of judgment, the applicant could not appear before the Court due to inadvertent circumstances beyond his control. Consequently, his case was separated from that of the remaining co-accused persons. It is further submitted that the learned trial Court, vide judgment and order dated 12.03.2026, acquitted all the co-accused persons. Learned counsel contended that the victim had not supported the prosecution case and was declared hostile during trial and that the allegations and evidence against the</p>

		<p>applicant are similar to those against the acquitted co-accused. It is further submitted that pursuant to the applicant's non-appearance, the learned trial Court issued Non-Bailable Warrants against him vide order dated 27.03.2026. The next date fixed before the trial Court is 11.06.2026. The applicant undertakes to appear before the Court on the said date and seeks protection from coercive action till then.</p> <p>4. Having considered the submissions advanced by learned counsel for the applicant and upon perusal of the material available on record, this Court is of the view that the applicant deserves one opportunity to appear before the trial Court and explain the circumstances of his absence. The record reflects that the trial has already concluded and judgment has been rendered in respect of the co-accused persons. No useful purpose would be served by subjecting the applicant to immediate coercive process when he has expressed his willingness to appear before the Court and participate in the proceedings. The ends of justice would be adequately served by directing the applicant to appear before the learned trial Court on the next date fixed and by keeping the operation of the Non-Bailable Warrants in abeyance for a limited period.</p> <p>5. Accordingly, the criminal misc. application is disposed of with a direction that the applicant shall positively appear before the learned trial Court on 11.06.2026. Till the said date, the operation of the Non-Bailable Warrants issued against the applicant pursuant to the order dated 27.03.2026 shall remain in abeyance. In the event of the applicant appearing before the learned</p>
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trial Court on the aforesaid date, the learned Special Judge shall consider his appearance, hear him, and thereafter proceed to pass appropriate orders strictly in accordance with law. It is made clear that if the applicant fails to appear before the trial Court on the date fixed, this order shall automatically cease to operate and the trial Court shall be at liberty to proceed in accordance with law.

(Alok Mahra, J.)

03.06.2026

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