

Court No. - 88

Case :- APPLICATION U/S 482 No. - 14360 of 2023

Applicant :- Ajrron Nihsa

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Rajendra Prasad Tripathi, Ashish Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard Mr. Rajendra Prasad Tripathi, learned counsel for the applicant and learned Additional Government Advocate for the State of U.P./opposite party no.1.

2-By means of this application, the applicant has prayed for expeditious disposal of case being Complaint Case No. 52 of 2023, under Sections 376, 458, 392, 323, 504, 506 I.P.C., Police Station-Sarai Khwaja, District-Jaunpur. Further prayer has been made to direct the Additional Civil Judge (Junior Division)-VIIth/Judicial Magistrate, Jaunpur to record the statement of the complainant and her witnesses under Section 200 and 202 Cr.P.C. within the time-bound frame.

3-On 11.10.2023 following orders was passed by this Court:-

"1. It is submitted by learned counsel for the applicant that applicant-Ajrron Nihsa, wife of Sameer, is complainant in this case, who has moved an application under Section 156(3) Cr.P.C. dated 13.09.2022 seeking direction to lodge a First Information Report against Ramjan, Wasim and Naseem under Sections 376, 458, 392, 323, 504 and 506 I.P.C., but the said application has been treated as a complaint case being Case No. 942 of 2022 (Ajrron Nisha vs Ramjan & others) vide order dated 19.12.2022 and further 16.01.2023 was the date fixed for recording the statement of complainant under Section 200 Cr.P.C., but till date her statement under Section 200 Cr.P.C has not been recorded and general dates have been fixed on 16.01.2023, 25.01.2023, 27.01.2023, 31.01.2023, 15.02.2023 and 11.03.2023, whereas complainant was present on the dates fixed.

2. It is pointed out that on 15.02.2023, complainant moved an application for recording her statement under Section 200 Cr.P.C., even then, no order has been passed on the said application and till date her statement has not been recorded. The present matter is pending before the Court of Additional

3. The facts of this case as noted above is a matter of serious concern. Let a report be called for from the concerned Presiding Officer through District Judge, Jaunpur as to why the statement of the complainant under Section 200 Cr.P.C. has not yet been recorded despite appearance of complainant before the Court and moving an application dated 15.02.2023.

4. The report shall be positively submitted to this Court by the next date.

5. Office shall communicate this order to the District Judge, Jaunpur within 48 hours by FAX to ensure the compliance of this order.

6. List this case on 27.10.2023."

4-Pursuant to above order dated 11.10.2023, Additional Civil Judge (J.D.) VIIth/Judicial Magistrate, Jaunpur submitted his report which is on record, wherein various explanations have been given for delay in getting the statement of the complainant under Section 200 Cr.P.C. recorded. In the report, it is mentioned that statement of the complainant under Section 200 Cr.P.C. has been recorded on 25.09.2023 and further 01.11.2023 has been fixed for recording the statement under Section 202 Cr.P.C. In concluding part of the report, it is mentioned that all efforts shall be made to decide the matter expeditiously.

5-Learned A.G.A. states that no useful purpose would be served in issuing notice to opposite party and keeping this application pending before this Court and it may be disposed of at this stage itself.

6-Considering the limited grievance of the applicant and report dated 11.10.2023 of Additional Civil Judge (J.D.) VIIth/Judicial Magistrate, Jaunpur, this application is disposed of with the direction that the learned trial court shall make an endeavour to decide the aforesaid case, as expeditiously as possible. without granting unnecessary adjournment, if there is no legal impediment.

Order Date :- 27.10.2023/Kashifa