

Court No. - 85

Case :- APPLICATION U/S 483 No. - 505 of 2023

Applicant :- Shiv Shankar Shukla

Opposite Party :- State Of U.P.And 5 Others

Counsel for Applicant :- Sushil Kumar Mishra,Vibhuti Narayan Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J

Rejoinder affidavit filed today, is taken on record.

Heard learned counsel for the appellant, learned counsel for the opposite party, learned AGA for the State and perused the record.

The present application under Section 483 Cr.P.C. has been filed by the appellant to allow this application and direct the learned Additional Chief Judicial Magistrate, to ensure the presence of opposite party No. 2 to 6 by using all available steps under the law and may further be pleased to direct the learned Additional Chief Judicial Magistrate, Allahabad to proceed in Criminal Case No. 7297 of 2019 arising out of Case Crime No. 607 of 2017, under Section 147, 148, 452, 307, 323, 504, 506, 325 I.P. of P.S. Phoolpur, District Allahabad in accordance with law.

It is submitted by learned counsel for the appellant that appellant is a practicing advocate having practice of 12 years. It is further submitted that respondent No. 2 to 6 are not appearing before the court below in-spite of the process issued against them. Learned counsel for the respondent No. 5 Mr. Ramanand Shukla claims himself as an advocate but he is not a practicing lawyer. It is further submitted that on account of absence of respondent Nos. 2 to 6, the trial of the case is being delayed. There is no interim order in favour of respondent No. 2 to 6 but they are avoiding the process of law and in spite the fact that N.B.W. have been issued against them. They are not making themselves present in the Court. The process under Section 482 Cr.P.C. and thereafter 483 Cr.P.C. have also been adopted but they are avoiding to present before the Court.

Per contra, learned counsel for the respondent Nos. 2 to 6 submitted that he is a practicing lawyer and his advocate role is A/R -0854/2018. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed before the Court.

4. No useful purpose would be served in keeping the application pending, which is finally disposed of with a direction to court below to proceed the trial of aforesaid case expeditiously as early as possible, in accordance with the provisions contained in law, subject to full co-operation by the applicants, if there is no other legal impediment.

5. With the above observations, the application stands **disposed of**.

Order Date :- 7.12.2023

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