

Court No. - 90

Case :- APPLICATION U/S 482 No. - 20787 of 2023

Applicant :- Surendra Rawat

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Vajpeyi, Gaurav Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the parties and perused the record.
2. The present application under Section 482 CrPC has been filed beseeching the expeditious disposal of Case No. 682 of 2013 (State Vs. Priyanka and another) arising out of Case Crime No. 252 of 2013 (State Vs. Priyanka and others), under Section 420, 467, 468, 471 & 120 IPC, Police Station Civil Lines, District Moradabad pending in the court of Additional Chief Judicial Magistrate, Moradabad.
3. In pursuance of the order passed by this Court, learned District Judge, Moradabad has submitted a report dated 1.11.2023 along with report dated 30.10.2023 submitted by the Additional Civil Judge (Junior Division)/Judicial Magistrate, New Court No. 3, Moradabad. As per report dated 30.10.2023, cross-examination of PW-1 has been completed, however, dates are being fixed for evidence/deposition of other witnesses.
4. It is submitted by the learned counsel for the applicant that as per the charge sheet, there are eight prosecution witnesses, who are to be examined, however, only one prosecution witness has been examined till date.
5. Perusal of the record reveals that FIR has been lodge on 21.4.2013 and charges were framed on 1.7.2015. After completing the evidence/deposition of PW-1, normal dates are throughout being fixed for recording statement of PW-2 since 2017, however, till date, the statement of PW-2 could not be completed. Having considered the fact that it is an old case of 2013, it would be appropriate to pass an order for expeditious disposal of the matter.

6. Learned AGA has no objection in case a direction is issued for early disposal of the case.

7. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction to court concerned, before whom the aforementioned case is pending disposal, to decide the same expeditiously, preferably, within a period of twelve (12) months from the date of receipt of a certified copy of this order.

8. The learned trial court is expected to take all stringent measures in the matter to ensure presence of witnesses so that trial may be completed within the time as directed above.

9. It is expected that the aforesaid case should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

10. With the aforesaid direction, present writ petition is disposed of.

Order Date :- 3.11.2023

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