

Court No. - 90

Case :- APPLICATION U/S 482 No. - 21952 of 2023

Applicant :- Sunil Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Upendra Kumar Pushkar

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicant and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. beseeching expeditious disposal of Criminal Case No. 21 of 2012 (State vs. Sunil Kumar) arising out of Case Crime No. 100 of 2011 under Section 363, 366, 376 I.P.C., P.S. Tappal, District Aligarh, pending since 09.02.2012.
3. While entertaining the instant matter, this Court has passed an order dated 18.10.2023 called for the report from the court concerned with respect to the present status of the case and cause of lingering the matter. In pursuance of the order dated 18.10.2023, learned Magistrate of Juvenile Justice Board, Aligarh has submitted his report dated 30.10.2023 with an observation that 06.11.2023 has been fixed for the evidence.
4. Learned counsel for the applicant submits that with respect to the alleged incident dated 11.03.2011, a false F.I.R. has been lodged against the present applicant and the matter was committed to the Juvenile Justice Board in the month of February, 2012. However, since then trial is pending protracted on one pretext or the other. Till then the victim has not appeared and normal dates are being fixed for evidence of the prosecution.
5. Learned A.G.A. has no objection, if a direction is issued to the court concerned to decide the aforesaid case, expeditiously.
6. In this conspectus as above, having considered the old incident dated 11.03.2011, 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 application, with a direction to the learned Principal Magistrate/Juvenile Justice Board to decide the aforesaid case strictly in accordance with law by means of a reasoned and

speaking order, after affording opportunity of hearing to the parties concerned and without granting any unnecessary adjournments to either of the parties expeditiously, preferably, within a period of twelve months from the date of production of certified copy of this order. Learned court concerned is expected to take stringent steps, as provided under the law, to ensure presence of witnesses and the victim so that trial could be concluded within the period, as directed above.

7. With the aforesaid direction, this petition is finally disposed off.

Order Date :- 17.11.2023

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