

Court No. - 92

Case :- APPLICATION U/S 482 No. - 27621 of 2015

Applicant :- Makki Multazim

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

Counsel for Applicant :- Syed Faiz Hasnain

Counsel for Opposite Party :- Govt. Advocate, Amit Mishra

Hon'ble Anish Kumar Gupta, J.

1. None is present on behalf of the applicant to press this instant application even in the revised call.
2. Shri Prem Prakash Tiwari, learned AGA is present on behalf of the State.
3. Vide order dated 14.09.2015, the notices were issued to opposite parties. Subsequent, the State has filed counter affidavit, the rejoinder affidavit was filed on behalf of the applicant and the matter was heard at length on 24.11.2015, thereafter, the order was reserved. The order was subsequently pronounced on 4.12.2015 whereby it was concluded by this Court that "If the ingredient to constitute the offence of breach of trust are taken into consideration with the fact of the present matter essential ingredient of entrustment of property or any dominion over the other property is lacking. The finding recorded by the revisional court cannot be termed to be illegal".
4. After recording the finding that there is no illegality in the order passed by the revisional court whereby the summoning order was set aside by the revisional court and this Court has issued notices to opposite party no.2 and the State.

5. In view of the categorical finding recorded by this Court as noted above, the applicant has not taken any steps to serve the notice upon opposite party no.2 as directed by this Court vide order dated 04.12.2015, therefore, in view of the finding recorded above, the instant application has become infructuous, therefore, the instant application is **dismissed** for want of prosecution as well as having become infructuous in terms of the aforesaid finding of this Court quoted above.

Order Date :- 8.11.2023

A.N. Mishra