

Court No. - 91

Case :- APPLICATION U/S 482 No. - 30841 of 2023

Applicant :- Mewa Lal

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

Counsel for Applicant :- Rakesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to direct the District and Sessions Judge, Basti to decide the applicant's Criminal Misc. Case No.186 of 2023 for deciding the territorial jurisdiction of the trial expeditiously as may be possible on the next date fixed in the matter i.e on 19.08.2023 and further prayer has been made to District and Sessions Judge, Siddharth Nagar not to proceed further in Criminal Case No.1565 of 2005, arising out of Case Crime No.33 of 1988, under Sections 147, 148, 149, 323, 436, 504, 506 IPC, Police Station Dumariyaganj, District Siddharth Nagar.

3. Learned counsel for the applicant submits that after the creation of District Siddharth Nagar, issue arose regarding to the jurisdiction of P.S. Dumariyaganj, District Siddharth Nagar and P.S. Sonaha, District Basti vide, the co-ordinate Bench of this Court vide order dated 14.12.2017, a direction was issued to the District Judge, Basti to verify the territorial jurisdiction of the case whether it lies in District Siddharth Nagar or in District Basti. In pursuance of which, an application was moved before the District

Judge, Basti on 15.05.2023, which is still pending for disposal. Further submission is that the proceeding are also pending before the District Judge, Siddharth Nagar.

4. On the other hand, learned AGA has opposed the prayer but could not dispute the aforesaid fact.

5. In view of above, the present application is disposed of with a direction to the District Judge, Basti to hear and decide the application dated 15.05.2023 pending before it within a period of two months as expeditiously as possible in accordance with law.

6. With the aforesaid observations, the present application u/s 482 Cr.P.C. is ***disposed off***.

7. It is made clear that the applicant may move an application u/s 205 Cr.P.C., if so advised, before the District Judge, Siddharth Nagar, which will be heard and decided in accordance with law.

Order Date :- 16.11.2023
Sanjeet