

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32125 of 2023

Applicant :- Smt. Minakshi

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

Counsel for Applicant :- Amar Jeet Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant and learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-By means of this application, the applicant has prayed for expeditious disposal of case being Case No. 2905 of 2021 (State Vs. Sachin Pawar) arising out of Case Crime No. 606 of 2019, under Sections 420, 494, 506 I.P.C., Police Station-Jani, District-Meerut, pending in the court of learned Additional Chief Judicial Magistrate, Court No. 01, Meerut, within a time bound frame.

3-At the outset, learned Additional Government Advocate submits that till date accused-opposite party no-2 did not appear before the trial Court despite issuance of non-bailable warrant dated 16.03.2021, therefore, the prayer of the applicant who is complainant in this case seeking direction to expedite the trial of the accused cannot be granted at this stage.

4-Learned counsel for the applicant does not dispute the aforesaid fact as pointed out by the learned A.G.A. and in reply submits that applicant may be permitted to withdraw this application with liberty to file fresh application at the appropriate stage.

5-In view of the above, this Court finds force in the preliminary objection/submission of learned A.G.A. for the State that without appearance of accused before the trial court, no direction to expedite the trial of the accused within time bound period can be

issued.

6-However having regard to the statement given by learned counsel for the applicant at the Bar, this application is dismissed as withdrawn with liberty to the applicant to file fresh application at the appropriate stage, after appearance of accused before the trial Court.

7-Office is directed to return the certified copy of the documents, if any, to the counsel for the applicant after retaining the photostat copy of the same on record as per rules.

Order Date :- 26.10.2023

Kashifa