

Court No. - 92

Case :- APPLICATION U/S 482 No. - 32251 of 2023

Applicant :- Tarannum Ansari

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

Counsel for Applicant :- Prakhar Saran Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Prakhar Saran Srivastava, learned counsel for the applicant and Sri Umadhar Shukla, learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking a direction for expeditious disposal of Session Trial No. 391 of 2021 (State of U.P. vs. Wazid Ali), arising out of Case Crime No. 97 of 2019, under Sections 313, 376, 420, 506 IPC, P.S. Aurai, District Bhadohi in a time bound manner.

3. Learned counsel for the applicant submits that in the instant case, charge sheet was filed in the year 2019 and the matter was committed on 22.12.2021. Thereafter the trial has proceeded in the matter. However, due to non-cooperation of the accused / opposite party no.2, the matter is not progressing. The statements of P.W. 1 and P.W. 2 have already been recorded but nobody is coming forward to cross-examine the said witnesses and dates after dates have been fixed by the Trial Court for the cross-examination of the said witnesses and almost on every occasion, the application for exemption is being moved on behalf of the accused/opposite party no.2, which is being allowed amicably.

4. Learned counsel for the applicant further submits that when the trial commenced in the instant case, the accused has again committed rape of the applicant herein on 09.08.2021, for which another FIR being Case Crime No. 171 of 2021 was registered against the opposite party no.2 where the charge sheet has already been filed after due investigation in the matter. Learned counsel for the applicant has also submitted that in view of Section 309 Cr.P.C. for the offences under Section 376 Cr.P.C., the trial is required to be completed within a period of two months. However, in the instant case, the trial is pending for about two years.

5. In view of the aforesaid submissions made by learned

counsel for the applicant, learned AGA appearing for the State has no objection to any direction being passed by the Court for expeditious disposal of the said case.

6. In The peculiar facts and circumstances of the case and in view of the nature of prayer made by learned counsel for the applicant, this Court does not find it necessary to issue notice to opposite party no.2 and keep the matter pending here as any order passed shall not be pre-judicial, specifically when the opposite party no.2 is deliberately delaying the trial by moving application for exemption from appearance almost on every occasion and nobody is coming forward to cross-examine the witnesses.

7. In view thereof, it is directed that the learned Additional District Judge, Fast Track Court No.1, Bhadohi shall decide the Session Trial No. 391 of 2021 (State of U.P. vs. Wazid Ali), arising out of Case Crime No. 97 of 2019, under Sections 313, 376, 420, 506 IPC, P.S. Aurai, District Bhadohi, expeditiously preferably within a period of one year from the date of production of certified copy of this order.

8. With the aforesaid observations, the instant application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 19.10.2023
Ashish Pd.