

Court No. - 90

Case :- APPLICATION U/S 482 No. - 32805 of 2023

Applicant :- Anubhav Gautam @ Shubham Gautam

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

Counsel for Applicant :- Shyam Surat Shukla, Vivek Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 CrPC beseeching the expeditious disposal of application dated 14.12.2022 (Paper No.8 Ka) and application dated 28.04.2023 (Paper No.10-Kha), which are pending consideration before the learned Additional District and Sessions Judge, Court No.25, Kanpur Nagar pending in S.S.T. No.988 of 2020 (State vs. Anubhav Gautam).

3. It is submitted by learned counsel for the applicant that previously charge sheet was filed under Sections 363, 366 and 7/8 POCSO Act. However, at a later stage, after further investigation, report has been submitted under Section 173 (8) of Cr.P.C. arraigning the present applicant only under Section 366 I.P.C. Subsequent report under Section 173 (8) Cr.P.C. has been acknowledged by this Court, vide order dated 22.03.2023 passed in application U/S 482 Cr.P.C. No.41496 of 2022. Initially, applicant has moved a discharge application dated 14.12.2022 (Paper No.8-Ka). At a later stage, after order dated 22.03.2023 been passed by this Court, applicant has moved another application dated 28.04.2023 (Paper No.10-Kha) to pass an appropriate order in the light of subsequent police report under Section 173 (8) Cr.P.C. It is submitted that both the aforesaid applications are pending consideration before the court below, however, in the meantime, non-bailable warrant has been issued against the present applicant.

4. In this conspectus, as above, 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 present application, with a direction to court concerned before whom the aforementioned matters are pending disposal, to decide the same expeditiously, preferably, within a period of one month from the date of receipt of a certified copy of this order, which shall be filed within two weeks from today.

5. It is expected that the matter should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

6. For a period of forty five (45) days from today or till the decision on the aforesaid applications, whichever is earlier, no coercive action shall be taken against the present applicant in the aforementioned case.

7. With the aforesaid direction, present writ petition is disposed of.

Order Date :- 6.11.2023

Jitendra