

Court No. - 90

Case :- APPLICATION U/S 482 No. - 33905 of 2023

Applicant :- Sanjay Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and the learned A.G.A.

2. The applicant has invoked the inherent jurisdiction of this Court beseeching expeditious disposal of Case No. 3235/2015 as well as Crime No.786/2013 (State vs. Suraj and others), under Sections 419, 420, 467, 468, 471 I.P.C. and Section 3 Prevention of Damage to Public Property Act 1984, Police Station Etmaddaula, District Agra, pending in the court of learned Additional Chief Judicial Magistrate -Ist, Agra.

3. While entertaining the instant application this Court has passed the following order on 17.10.2023 :-

"Applicant seeks expeditious disposal of Case No. 3235/2015 as well as Crime No.786/2013 (State vs. Suraj and others), under Sections 419, 420, 467, 468, 471 I.P.C. and Section 3 Prevention of Damage to Public Property Act 1984, Police Station Etmaddaula, District Agra, pending in the court of learned Additional Chief Judicial Magistrate -Ist, Agra.

Learned court concerned is hereby directed to file a report with respect to the present status of the case and cause of lingering the matter.

List this matter again on 02.11.2023, as fresh.

Registrar (Compliance) is hereby directed to communicate this order to the court concerned, so that order of the date could be complied within time."

4. In pursuance of the order dated 17.10.2023 passed by this Court, learned Additional Chief Judicial Magistrate has submitted report dated 31.10.2023 with an averment that cognizance was taken on 10.09.2015 and thereafter charges were framed on 24.01.2018. At present dates are being fixed for evidence of prosecution.

5. It is submitted by learned counsel for the applicant that no fruitful steps have been taken by the court concerned to get the matter decided, expeditiously.

6. 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 application, with a direction to the learned Additional Chief Judicial Magistrate-Ist, Agra to decide the aforesaid case strictly in accordance with law by means of a reasoned and speaking order, after affording opportunity of hearing to the parties concerned and without granting any unnecessary adjournments to either of the parties expeditiously, preferably, within a period of one year from the date of production of certified copy of this order. It is expected that all stringent action shall be taken to ensure the presence of prosecution witnesses so that matter may be decided at the earliest possible.

7. With the aforesaid direction, this petition is finally **disposed off**.

Order Date :- 2.11.2023

VR