

Court No. - 86

Case :- APPLICATION U/S 482 No. - 34126 of 2023

Applicant :- Mohar Singh

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

Counsel for Applicant :- Sunil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The present application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to direct the Additional Civil Judge (Jr. Div.), Court No.7, Agra to decide the discharge application under Section 239 CrPC in Criminal Case No.195 of 2021 (State Vs. Mohar Singh) arising out of Case Crime No. 102 of 2020, under Sections 447, 448 IPC and Section 3/5 of Prevention of Damage to Public Property Act, Police Station Nai Ki Mandi, District Agra expeditiously preferably within stipulated period.
3. Learned counsel for the applicant has submitted that applicant is the accused in the instant case and he was directed to be released on bail by the court below. He has further submitted that applicant has filed discharge application on 25.06.2022, however despite lapse of more than one year, the said application has not yet been decided and case is progressing at snail pace, as such, a direction be given to the court below to decide the said discharge application within a stipulated period.
4. Per contra, learned AGA has has opposed the aforesaid prayer made by the learned counsel for the applicant.
5. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the law laid down by the Hon'ble Apex Court stating therein that there must be cogent and compelling reasons to expedite the proceedings, which might upset the calendar and schedule of the court below and might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court. Progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein. Such petition for expediting the

proceeding and concluding the trial within stipulated period is to be considered from all angles. Recently, Hon'ble Apex Court in ***Writ Petition (Criminal) No. 587 of 2023 (Shaikh Uzma Feroz Hussain Vs. The State Of Maharashtra)*** has directed that the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case before any Court, unless the situation is extra ordinary. If there is an extra ordinary urgency, the applicant can always move the concerned Court.

6. In view of the above, the present application under Section 482 Cr.P.C. is devoid of merit and is accordingly **dismissed.**

Order Date :- 23.11.2023

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