

Court No. - 91

Case :- APPLICATION U/S 482 No. - 34759 of 2023

Applicant :- Kashi Prasad Patel(Jay Gurudev)

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

Counsel for Applicant :- Ramakant Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State- opposite party and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to stay the execution/ enforcement of the judgement dated 11.7.2023 passed by the Additional Civil Judge (Jr. Div.)/ Judicial Magistrate, Court No.7, Allahabad in Criminal Complaint No. 2525/2020, Registered No.12 of 2021, C.N.R. No. UPAD040451142018 (Bajrang Bahadur Maurya Vs. Kashi Prasad Patel (Jai Gurudev), U/s 138 Negotiable Instrument Act, P.S. Nawabganj, District Allahabad, until the disposal of Criminal Appeal No. 150/2023, Kashi Prasad Patel (Jay Gurudev) Vs. State of U.P. and Another, U/s 374(3) Cr.P.C., pending before the Session Judge, District Allahabad or modify the interim stay order dated 9.8.2023, passed by incharge session Judge/ Special Judge (SC/ST Act), Prayagraj.

3. Learned counsel for the applicant submits that vide order dated 9.8.2023, the applicant has been directed to deposit the 50% of the fine imposed under the judgement and order dated 11.7.2023 passed by the trial court within two months in Criminal Appeal No.150 of 2023. It is submitted that the order is passed without considering the circumstances of the case and an application dated 6.9.2023 has been filed which has been pending before the appellate court. No order has been passed and no hearing has been given regarding the same.

4. In view of above, this application is **disposed of** with the direction to the appellate court to hear and decide the application dated 6.9.2023, as expeditiously as possibly preferably within a period of one month, from the date of production of certified copy of this order, in accordance with law.

Order Date :- 13.10.2023/ Shiv