

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34477 of 2023

Applicant :- Om Prakash @ Ram Prakash Gupta

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

Counsel for Applicant :- Girish Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant and learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

2-By means of this application, the applicant has prayed for expeditious disposal of case being Sessions Trial No. 503 of 2015 (*State vs. Om Prakash @ Ram Prakash*) arising out of case crime no. 227 of 1996, under Section 25 Arms Act, Police Station Swar, District Rampur pending in the court of Additional Sessions Judge, Court No. 6, Rampur within a time bound frame.

3-On 18.11.2023, this Court has passed the following order:-

"It is submitted by learned counsel for the applicant that the applicant is accused in Session Trial No. 503 of 2015 (State Vs. Om Prakash @ Ram Prakash) arising out of Case Crime No. 227 of 1996 under Section 25 Arms Act, Police Station Swar, District Rampur pending in the Additional Sessions Judge, Court No. 6, Rampur. It is next submitted that trial is pending since 2015 but till date, no effective proceeding is going on in the matter.

Let a report be called for from the concerned Presiding Officer with regard to present status of trial of the applicant. In the report, reason of delay in trial shall also be indicated by the Presiding Officer.

List this case on 16.11.2023 as fresh alongwith report of concerned Presiding Officer."

4-Thereafter, the concerned Presiding Officer has submitted its report dated 10.11.2023 and considering his report, following order dated

01.12.2023 has been passed:-

"Pursuant to order dated 18.10.2023 of this Court, Additional Sessions Judge, Court No.6, Rampur submitted its report dated 10.11.2023, which is on record, wherein it is mentioned that Session Trial No. 503 of 2015 is related with Case Crime No. 227/1996, under Section 25 Arms Act and Session Trial No. 502/2015 is related with Case Crime No. 226/1996, under Section 307 I.P.C. Record of both the cases were received to the Court of Additional Sessions Judge, Court No.6, Rampur on 13.02.2023, after order of District Judge, Rampur. The records of related Session Trial No. 375 of 2000 and Session Trial No. 386 of 2001, decided on 09.10.2002 and 27.04.2004 respectively, were misplaced in the record room, therefore, due to want of original F.I.R. and other documents, the proceeding of this case was held up. After great efforts, the records have been received and an endeavour shall be made for earlier disposal of the case.

At the request of learned counsel for the applicant, put up this case as fresh on 11.12.2023."

5-Learned A.G.A. states that no useful purpose would be served in issuing notice to opposite party no. 2 and keeping this application pending before this Court and it may be disposed of at this stage itself.

6-Considering the facts of the case and period of pendency of the trial in question of the applicant, it is directed that the trial court shall make an endeavour to decide the aforesaid case, as expeditiously as possible, preferably within a period of six months from the date a certified copy of this order is produced before it, if there is no legal impediment.

7-With the aforesaid directions, this application is ***disposed of.***

Order Date :- 11.12.2023

Saurabh