

Court No. - 93

Case :- APPLICATION U/S 482 No. - 35650 of 2023

Applicant :- Manjeet Kumar

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Sarvesh Kumar, Arun Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Sarvesh Kumar, learned counsel for the applicant and Sri Padmakar Rai, learned AGA for the State.

2. Present application under Section 482 Cr.P.C. has been filed to direct the Special Judge (SC/ST) Act/ Additional Sessions Judge, Allahabad to consider and decide the Special Sessions Trial No.158 of 2022, arising out of Case Crime No.73 of 2021, under Sections 147, 149, 323, 504 IPC and Section 3(2)Va SC/ST Act, Police Station Phaphamau, District Prayagraj.

3. Contention of learned counsel for the applicant is that the trial of the aforesaid case is pending since 2022. He further submits that there is statutory mandate under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to conclude the trial expeditiously preferably within a period two months from the date of filing of charge sheet. In the present case, charge sheet had been filed in the year 2021 but none of the accused person has appeared before the court below and they are avoiding the trial.

4. Considering the aforesaid submission, there is specific mandate under Section 14 (3) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 that Special Court must proceed day to day until all the witnesses are examined and trial should be concluded as early as possible within a period of two months from the date of filing of the charge sheet.

5. Section 14 (3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is reproduced hereinbelow;

"In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day to day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing.

Provided that when the trial relates to an offence under this Act, the trial shall as far as possible, be completed within a period of two months from the date of filing of the charge sheet"

6. In view of above legal statutory mandate, the Special Judge (SC/ST) Act/ Additional Sessions Judge, Allahabad is directed to conclude the Special Sessions Trial No.158 of 2022, arising out of Case Crime No.73 of 2021, under Sections 147, 149, 323, 504 IPC and Section 3(2)Va SC/ST Act, Police Station Phaphamau, District Prayagraj expeditiously in accordance with Section 14 (3) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. It is further directed that for presence of accused, the court below should adopt coercive measure.

8. With the aforesaid direction, the application is **disposed of**.

Order Date :- 13.10.2023

A.Kr.