

Court No. - 93

Case :- APPLICATION U/S 482 No. - 35570 of 2023

Applicant :- Sarafat @ Pappu And 4 Others

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

Counsel for Applicant :- J.B. Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants being accused have filed this application under Section 482 Code of Criminal Procedure for issuance of directions to the Additional Sessions Judge / Special Judge, POCSO Act, Court No.1, Meerut to conclude the trial proceedings of Special Case No. 321 of 201, titled State Vs. Sharafat @ Pappu and others, arising out of Case Crime No. 291 of 2015, under Sections 363, 366-A, 452, 342, 323, 504, 506, 368, 420, 467, 468, 471 I.P.C. and Section 7/8 Protection of Children from Sexual Offences Act, 2012, Police Station Mawana, District Meerut in a stipulated period.

Learned counsel for applicants submits that charges against the accused persons were framed in the year 2016 and, thereafter, out of total 9 witnesses, only two witnesses have been examined and after the examination of P.W.-2 in the year 2019, no other prosecution witness has been examined. He prays that it would be in the interest of justice, if, the proceedings in subject trial is expedited.

During the course of hearing, learned counsel drew

the attention of the Court to the *zimni* orders passed by the trial court and a perusal of the same would reveal that in respect of the same occurrence, a separate trial going on in respect of the co-accused pending before some other court was clubbed with the present trial vide order dated 2.6.2023. Apart from this, the delay in conclusion of trial cannot be solely attributed to the prosecution for not examining the witnesses as on majority of the dates of hearing, one or the other accused is absent and their application seeking exemption from personal appearance is being accepted by the trial court.

Recently, the Hon'ble Supreme Court has made observation in the order dated 10.11.2023 passed in ***Writ Petition(s) (Criminal) No. 587 of 2023, titled Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra*** that the constitutional court should not in a routine manner fix a time frame for a pending case before trial court for its conclusion in a specific time frame.

Thus, finding no exceptional ground, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. The application fails and is dismissed.

Order Date :- 29.11.2023
P.S.Parihar