

Court No. - 90

Case :- APPLICATION U/S 482 No. - 36136 of 2023

Applicant :- Smt. Sadina Begum

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ashok Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The instant application has been filed U/S 482 Cr.P.C. beseeching the expeditious disposal of the Session Trial No. 39 of 2019. While entertaining the instant application, this Court has passed the following order dated 02.11.2023:

"1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 Cr.P.C. for expeditious disposal of S.T. No.39 of 2019 (State Vs. Sheo Prasad Chauhan) arising out of Case Crime No.1303 of 2018, under Section 376D, 377, 343, 506 I.P.C. P.S.- Khalilabad, District - Sant Kabir Nagar, pending in the court of Additional Sessions Judge, POCSO Act-I, Sant Kabir Nagar.

3. It has been pointed out that vide order dated 15.03.2021, passed by this Court in Application U/S 482 No. - 5388 of 2021, learned trial court was directed to make an endeavour to expedite the proceedings preferably within a period of eight months. Learned counsel for the applicant has drawn attention of the Court towards order sheet dated 13.01.2023 wherein learned trial court has observed that letter has been sent to Hon'ble High Court for extension of time to decide the trial.

4. Learned trial court concerned, namely, Additional Sessions Judge, POCSO Act-I, Sant Kabir Nagar is hereby directed to submit a report with respect to the present status of the case and also copy of the communication made by him for extension of time as referred in order sheet dated 13.01.2023.

5. Registrar (compliance) is hereby directed to communicate the order of date to the authority concerned so that order of this Court could be complied with on or before the next date fixed.

6. List this matter again as a fresh on 22.11.2023."

3. In pursuance of the order dated 02.11.2023, passed by this Court learned Additional District and Sessions Judge - I, Sant Kabir Nagar has submitted his report dated 07.11.2023 alongwith copy of communication dated 13.01.2023 beseeching some more time to decide the Session Trial No.39 of 2019. As per report dated 07.11.2023, evidence of accused under Section 313 Cr.P.C. has been completed. However, on the application under Section 319 Cr.P.C. two more persons, namely, Ram Adalati Mishra @ Daroga and Sanjay Gupta were summoned under Sections 376 D, 343 and 506 I.P.C. Out of them one

accused, namely, Sanjay Gupta has approached before this Court resorting the remedy of revision being Revision No.4184 of 2023, wherein an interim order dated 22.08.2023 has been granted. To ensure the presence of another accused, namely, Ram Adalati Mishra @ Daroga, learned trial court has issued non bailable warrant and proclamation under Section 82 Cr.P.C. Report as submitted by learned trial court appears to be satisfactory. Communication dated 13.01.2023, appended with the report dated 07.11.2023, demonstrate the cause of delay and the prayer for extending time to decide the trial in pursuance of the earlier order dated 15.03.2021 passed by coordinate Bench of this Court. On the aforesaid premise, in my opinion, learned trial court can proceed with the matter against the remaining accused by separating the case of co-accused, namely, Sanjay Gupta who has obtained interim order from this Court and make all endeavour/stringent measure as provided under law to ensure the presence of the co-accused Ram Adalati Mishra @ Daroga who has been summoned on an application under Section 319 Cr.P.C.

4. Learned A.G.A. has no objection in issuing a direction for expeditious disposal of the aforesaid application within stipulated period as directed by this Court.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction to Trial Court concerned before whom the aforementioned case is pending disposal, to decide the same expeditiously, preferably, within a period of twelve (12) months from the date of receipt of a certified copy of this order.

6. It is made clear that trial may be proceeded after separating the case of the Sanjay Gupta who has obtained interim order from this Court and the Trial Court shall make endeavour to take all the stringent steps available under the law to ensure the presence of the remaining accused and conclude the trial within the period as mentioned above.

7. With the aforesaid direction, present application is **disposed** of.

Order Date :- 22.11.2023/vkg