

Court No. - 93

Case :- APPLICATION U/S 482 No. - 37474 of 2023

Applicant :- Devraj Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Sikandar B. Kochar, Manoj Kumar Tripathi

Counsel for Opposite Party :- G.A., A/R1595

Hon'ble Manoj Bajaj, J.

Devraj Yadav-Applicant has approached this Court through this application under Section 482 Code of Criminal Procedure for issuance of directions to the Additional Sessions Judge/ Fast Track Court-II, Azamgarh to expeditiously conclude the trial proceedings of Session Trial No. 226 of 2019, titled *State Vs. Shailendra and others*, arising out of Case Crime No. 249 of 2018, under Sections 302, 307 I.P.C., Police Station Sidhari, District Azamgarh.

Learned counsel for applicant submits that in all there are six accused persons and out of those, five are on bail, whereas only one accused is in custody and they are delaying the trial proceedings. He submits that it would be in the interest of justice, if, the necessary directions for expeditious disposal of the above mentioned case are issued.

The prayer is opposed by Sri O.P. Singh, learned Senior Counsel appearing for accused, who has pointed out that the stand of the applicant/complainant is absolutely misconceived as the trial is not delayed by the accused, as in this case, after commencement of trial and examination of two prosecution witnesses, application by prosecution was moved under Section 319 Cr.P.C. for summoning additional accused, which was also allowed on 5.3.2021. Apart from this, it is also submitted that

even complainant had moved an application for transfer of the trial and the same was decided on 18.8.2023.

Upon hearing the learned counsel for parties and considering the submissions, this Court finds that there is no exceptional ground made by the applicant/complainant for issuance of directions for expeditious disposal of the trial. In the facts and circumstances of the case, the delay solely cannot be attributed to the accused and the case has remained pending after its commencement in the year 2019 for various reasons and most of them are attributed to the prosecution etc.

Recently, the Hon'ble Apex Court has observed in the case of ***Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra***, vide order dated 10.11.2023 passed in ***Writ Petition(s) (Criminal) No. 587 of 2023***, that the constitutional court should be slow in fixing a specific time frame for conclusion of a proceedings pending before the court of original jurisdiction.

Thus, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. The application fails and is dismissed.

Order Date :- 23.11.2023
P.S.Parihar