

Court No. - 90

Case :- APPLICATION U/S 482 No. - 37617 of 2023

Applicant :- Smt. Aarti @ Neha

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

Counsel for Applicant :- Durga Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. beseeching to decide the Case No.139 of 2013 (State vs. Rajeev Kumar Rajpoot and Others) arising out of Case Crime No.39 of 2012 under Section 498-A, 323, 504, 506 and 406 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana, District Jhansi pending before the court of Civil Judge (J.D.) FTC/ (CAW), Jhansi.
3. After due deliberations at length, learned counsel for the applicant has orally prayed and pressed for expeditious disposal of discharge application, moved on behalf of the accused (opposite party nos.2 to 4 herein), in pursuance of the order dated 05.06.2015 passed by this Court in Criminal Revision No.1703 of 2015. It is submitted that arising out of Case Crime No.39 of 2012, criminal trial is pending since 2013. During pendency of the trial, the accused has moved a discharge application which was rejected by the trial court vide order dated 17.04.2015. On revision being filed, this Court has issued a direction dated 05.06.2015 to the learned Magistrate to decide the discharge application afresh, in accordance with law. Since the order dated 05.06.2015, aforesaid discharge application is pending consideration. The accused are throughout avoiding the court proceeding and trying to protract the matter on one pretext or the other.
4. Learned A.G.A. has no objection, if a direction is issued to the court concerned to decide the aforesaid discharge application, expeditiously.
5. Having considered the submissions as raised by learned counsel for the applicant and perusal of record, it is very astonishing that discharge application is pending since long, even after direction

issued by a Coordinate Bench of this Court vide order dated 05.06.2015. Seven (07) years have already been elapsed, however, discharge application has not been decided by the court concerned.

6. In this conspectus as above, no useful purpose would be served to keep the instant application pending, therefore, this Court deems it appropriate to dispose of the present application finally at this stage with a direction to the court concerned to decide the discharge application moved on behalf of the accused (opposite party nos.2 to 4 herein), in pursuance of the order dated 05.06.2015 passed by this Court, in accordance with law, expeditiously, preferably within a period of one month from the date of production of certified copy of this order, without granting unnecessary adjournment to either of the parties.

7. With the aforesaid direction, instant application stands **disposed off**.

Order Date :- 15.12.2023

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