

Court No. - 4

Case :- APPLICATION U/S 482 No. - 38207 of 2023

Applicant :- Mohammad Taiyab Khan

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

Counsel for Applicant :- Arun Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the applicant.
2. By means of the present application under Section 482 Cr.P.C., the applicant has prayed for to direct the court below to conclude the trial in Case No. 131 of 2011, Case Crime No. 1785 of 2009 (State vs. Munawwar and other) under Section 147, 148, 149, 332, 334, 336, 353, 436, 307, 395, 427, 323, 511 I.P.C. and 7 Criminal Law Amendment Act, 3/4 of the Prevention of Damage Public Property Act and under Section 3 of Explosive Substance Act, within a stipulated period.
3. It is argued that the matter is pending consideration for final arguments and various dates were fixed for the disposal of the aforesaid case but till date no final decision has been taken.
4. Very recently Hon'ble Apex Court in **Special Leave Petition (Civil) No(s). 38375 of 2023 (Mohd. Faiyaz Khan vs. State of U.P. and others)** passed an order on **27.09.2023** stating therein that unless the situation is extraordinary, the Court should not direct any Court to decide any pending case in a time-bound manner. The order dated 27.09.2023 is quoted hereinbelow :-

"Heard the learned counsel appearing for the petitioner.

Unless the situation is extraordinary, this Court should not direct any Constitutional Court or for that matter, any Court, to decide any pending case in a time-bound manner. It cannot be that those who afford to come this Court, get priority and others wait in the queue.

No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed on ground of delay as well as on merits.

It is for the petitioner to move the High Court for expeditious hearing of the case.

Pending application(s) also stands disposed of."

5. From perusal of the record it transpires that nothing has been stated in the entire

petition that there is any extraordinary situation nor any arguments has been made in this regard by the learned counsel for the applicant to direct the court below to decide the aforesaid case in a time bound manner.

6. In this view of the matter, present Application U/S 482 Cr.P.C. is **dismissed**.

7. In the peculiar facts and circumstances of the case, specially in view of the fact that case is pending since 2011, court below is expected to decide the aforesaid case, **expeditiously** in accordance with law without granting any unnecessary adjournment to either of the parties unless there is no legal impediment.

Order Date :- 13.10.2023

Swati