

Court No. - 80

Case :- CRIMINAL MISC. WRIT PETITION No. - 16094 of 2023

Petitioner :- Mukarim

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Azizur Rahman Khan,Zia Uddin Ahmad

Counsel for Respondent :- G.A.

Hon'ble Subhash Chandra Sharma,J.

Heard Sri Mohd. Tahir, Advocate holding brief of Sri Azizur Rahman, learned counsel for the applicant, learned A.G.A. and perused material on record.

The present writ petition under Article 226 of the Constitution of India has been moved with following prayers :-

I- To issue a writ, order or direction in the nature of mandamus directing respondent no. 3, Sub-Divisional Magistrate, Sambhal to decide recall application dated 19.7.2023 pending before it in case No. 67/11 of 1975, under Sections 145, 146 Cr.P.C. within a reasonable period of time.

It is submitted by learned counsel for the petitioner that in this case, a recall application dated 17.7.2023 moved before the learned S.D.M. which was duly received on 19.7.2023 but no any order was passed that is still pending, therefore requested to issue direction to the learned S.D.M. to decide it within stipulated period.

Learned A.G.A. has also no objection in this regard.

Considering the facts and circumstances of the case and submission made by learned counsel for the petitioner, it is expedient to direct the learned S.D.M. concerned to make its endeavour to decide the case in accordance with law within a period of two months from the date of production of certified copy of this order, without granting any unnecessary or long adjournments to either of the parties, if there is no other legal impediment.

With the aforesaid directions, the present petition stands ***disposed of*** finally.

Order Date :- 12.10.2023

A. Singh