

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39756 of 2023

Applicant :- Rana Zarin Ansari

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

Counsel for Applicant :- Brajesh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Piyush Tripathi, holding brief of Shri Brajesh Shukla, learned counsel for the applicant and learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to direct the trial court to decide the criminal trial vide Session Trial No. 934 of 2021 (State vs. Fahim and others) and Session Trial No. 933 of 2021 (State vs. Wasim) in Case Crime No. 424/2020 under Section 302, 120B IPC, P.S. Nazibabad, District Bijnor pending before Additional Sessions Judge Court No. 3 Bijnor.

3. Learned counsel for the applicant submits that the accused persons after obtaining bail not cooperating with the trial and they are continuously avoiding the trial proceedings one by one purposely. He further states that accused Nagma has sought adjournment 15 time, accused Fahim has sought adjournment 29 times and accused Wasim has sought adjournment 23 times. In essence, the matter was listed 33 times but no effective hearing was conducted because of non-cooperation by the accused persons.

4. In the light of the submissions made by the counsel for the petitioner, the trial court is directed to ensure the presence of all the accused persons before the court and shall not allow repetitive and motivated application for personal exemptions mechanically. I leave to the wisdom of the trial court to take recourse of Section 439(2) Cr.P.C. in this regard, if necessary.

5. With the above observation, the instant application is disposed of.

Order Date :- 24.11.2023

Ujjawal

(Vinod Diwakar,J.)