

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38608 of 2023

Applicant :- Richa Srivastava

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Rajesh Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant; learned AGA for the State respondent and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to decide the Sessions Trial No.1160 of 2021 (State Vs. Santosh Singh @ Haggan and Others) arising out of Case Crime No.87 of 2018, under Sections 147, 148, 149, 325, 308, 452, 504, 506 I.P.C., P.S. Gwaltoli, District Kanpur Nagar and Sessions Trial No. 202 of 2018 arising out of Case Crime No. 23 of 2018 under Sections 304/34 I.P.C. which are pending in the court of Additional Sessions Judge, Court no. 1, Kanpur Nagar.

3. Counsel for the applicant submits that applicant and opposite party lodge F.I.R. against each other and trial court proceedings were running separately in both the cases. Then applicant moved application before the court below on 08.09.2023 with a prayer to pass appropriate order to try and decide both the cases together on account of being cross F.I.R. Both the F.I.R. for the same incident should be tried together. The application of the applicant is pending before the trial court. Counsel for the applicant has placed reliance upon the judgment passed by the Apex Court in **Nathi Lal Vs. State of U.P.** 1988 0 Supreme (SC) 438.

3. Considering the facts and circumstances of the case and the judgment passed by the Apex Court in **Nathi Lal** (supra) and without expressing any opinion on the merits of the case, this application is finally disposed of with a direction to the court below to decide the aforesaid application dated 08.09.2023 in accordance with law, without granting any unnecessary or long adjournments to either of the parties as expeditiously as possible, preferably within a period of one month in the light of judgment passed by the Apex Court in **Nathi Lal** (supra) from the date of production of a certified copy of this order, if there is no other legal impediment.

4. With the aforesaid directions, the application under section 482 Cr.P.C. is disposed off finally.

Order Date :- 17.10.2023

Meenu Singh