

Court No. - 90

Case :- APPLICATION U/S 482 No. - 38955 of 2023

Applicant :- Rakesh And 4 Others

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

Counsel for Applicant :- Akhilesh, Ankit Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The present application has been filed on behalf of the husband and his four brothers beseeching the expeditious disposal of Case No. 2687 of 2018 (State Vs. Rakesh and others) arising out of Case Crime No. 119 of 2018, under Sections 498A, 323, 504, 506, IPC and 3/4 Dowry Prohibition Act, Police Station Akrabad, District Aligarh pending in the court of Additional Chief Judicial Magistrate-I, Aligarh.

3. It has been submitted that Opposite Party No. 2 has lodged an FIR, being Case Crime No. 0119 of 2018 dated 17.2.2018, wherein charge sheet has been filed on 2.8.2018. Learned court concerned has passed cognizance/summoning order dated 7.9.2018. At present normal dates are being fixed for the evidence of the prosecution. The trial is being protracted by the prosecution for some ulterior motive known to her best whereas the present applicant (accused) are throughout appearing before the court below. Protraction of the trial is causing harassment and oppression to the present accused.

4. Learned AGA has no objection in case a direction is issued for early disposal of the aforesaid case.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction to court concerned before whom the aforementioned case is pending disposal, to decide the same expeditiously, preferably, within a period of twelve months from the date of receipt of a certified copy of this order.

6. The learned trial court shall make every endeavour and take all stringent measures within the realm of the law to secure the presence of the prosecution and its witnesses facilitating the conclusion of the trial within the specified period as mentioned above.

7. It is expected that the matter should be decided by a reasoned and speaking order, in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

8. With the aforesaid direction, present writ petition is disposed of.

Order Date :- 7.11.2023

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