

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39649 of 2023

Applicant :- Ajit Singh

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

Counsel for Applicant :- Meraj Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant and learned Additional Government Advocate representing the State/opposite party No.1 and perused the record.

2-By means of this application under Section 482 Cr.P.C., the applicant has prayed for a direction to Vth Additional Chief Judicial Magistrate, Ghaziabad to decide Case No. 4452 of 2022 (State Vs. Ajit Singh), arising out of Case Crime No. 359 of 2006, under Section 60/62 Excise Act and under Section 420 IPC, Police Station Sahibabad, District Ghaziabad, pending in the court of Vth Additional Chief Judicial Magistrate, Ghaziabad, within stipulated period.

3-Main substratum of argument of learned counsel for the applicant is that the applicant is accused in this case. The opposite party No. 2 lodged an FIR dated 11.05.2006 against the applicant, in which, after culmination of investigation, charge sheet No. 425/06 dated 19.08.2006 has been filed against the applicant, but till date, his trial has not been completed.

4-Per contra, learned A.G.A. representing the State submits that in this case, charge sheet has been filed against the applicant on 19.08.2006, but up to January, 2019 applicant was absconding since last more than 12 years and charge against him has been framed on 13.02.2019. Thereafter, the accused applicant started moving application seeking adjournment of the case and exemption of his appearance on the dates fixed in the trial, i.e. on 19.03.2020, 22.10.2020, 03.02.2021, 04.08.2021, 25.10.2021, 08.12.2021, 08.04.2022, 06.05.2022, 13.06.2022, 01.11.2022, 25.11.2022, 23.12.2022, 15.01.2023, 15.02.2023, 28.03.2023, 28.04.2023, 31.05.2023, 20.07.2023, 25.07.2023 and 20.08.2023. On the strength of aforesaid facts, much emphasis has been given by contending that the applicant himself is responsible for delay of

non completion of the trial.

5-Having heard the submissions of learned counsel for the parties and perusing the record, I find substance in the submission of learned A.G.A. representing the State that the applicant did not cooperate with the trial in true sense as noted above. From the order sheet, it is apparently clear that the trial proceeding is being lingered on by the applicant himself by adopting different modus operandi. Under the facts of this case, this Court is of the view that the applicant cannot be permitted to take advantage of his own fault, hence prayer of the applicant is not liable to be allowed.

6-In view of the above, the application under Section 482 Cr.P.C. lacks merit and is accordingly **dismissed**.

7-Copy of this order be sent to the complainant/ opposite party no. 2 as well as to the trial court for necessary information.

Order Date :- 14.12.2023

ADY