

Court No. - 45

Case :- APPLICATION U/S 483 No. - 1312 of 2023

Applicant :- Vijay Yadav

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

Counsel for Applicant :- Ambikesh Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Vimal Srivastava, Advocate holding brief of Shri Ambikesh Kumar Sharma, learned counsel for the applicant and learned A.G.A. for the State.

2. By means of the present application under Section 483 Cr.P.C., the applicant has sought for a suitable direction to the learned Chief Judicial Magistrate, Moradabad to decide the protest petition dated 09.05.2022 filed by opposite party no. 2 against the Final Report No. 27/2022, dated 02.02.2022 arising out of Case Crime No. 950 of 2021, under Sections 420, 467, 468, 471, 386, 385, 364, 120B I.P.C., P.S. Civil Lines, District Moradabad, within time stipulated by this Court.

3. Learned counsel for the applicants submits that a First Information Report bearing Case Crime No. 950 of 2021 was registered at P.S. Civil Lines, District Moradabad against the petitioner. Pursuant to registration of the First Information Report, the police had filed Final Report No. 27 of 2022 on 2nd February, 2022. Aggrieved by the final report, the complainant preferred a protest petition on 09.05.2022 before the learned Chief Judicial Magistrate, Moradabad for setting aside the final report and summoning the accused persons. It is submitted that the matter is pending trial since then, and almost 53 times the matter was listed, but no effective hearing was conducted. Therefore, aggrieved by the series of ineffective orders passed by the learned Chief Judicial Magistrate, Moradabad on the protest petition of the complainant, the petitioner/accused has preferred the instant application for expeditious disposal of the case.

4. In the light of the aforesaid submissions, the Chief Judicial Magistrate, Moradabad is directed to decide the aforesaid protest petition dated 09.05.2022 expeditiously on merits, in accordance with law.

5. With the aforesaid observation, the application is disposed of.

Order Date :- 7.11.2023

Shafique