

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41278 of 2023

Applicant :- Rabiya Bano

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Ved Prakash Pandey, Vinay Krishna Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant to direct the Additional Commissioner of Police, Prayagraj, opposite party No. 2 to decide the application of the application filed under Section 145 Cr.P.C. on 5.6.2023 expeditiously preferably within stipulated period.
3. Learned counsel for the applicant has submitted that applicant has filed an application under Section 145 Cr.P.C. on 5.6.2023, however despite lapse of about five months, the said application has not yet been decided and is progressing at snail pace, as such a direction be given to the Additional Commissioner of Police to decide the case within a stipulated period.
4. Per contra, learned AGA has has opposed the aforesaid prayer made by the learned counsel for the applicants.
5. Having considered the rival submissions made by the parties and taking into consideration the law laid down by the Hon'ble Apex Court stating therein that there must be cogent and compelling reasons to expedite the proceedings, which might upset the calendar and schedule of the court below and might result in assigning an unwarranted priority to that particular case over and

above other cases pending in that Court. Progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein. Such petition for expediting the proceeding and concluding the proceedings within stipulated period is to be considered from all angles.

6. In view of the reasons assigned by the Apex Court, there is absolutely no necessity to direct the court below to decide the aforesaid application filed by the applicant, expeditiously within a stipulated period, in exercise of inherent power under Section 482 CrPC.

7. In view of the above, the present application u/s 482 Cr.P.C. is devoid of merit and is accordingly, dismissed.

Order Date :- 8.11.2023

KU