

Court No. - 90

Case :- APPLICATION U/S 482 No. - 42133 of 2023

Applicant :- Smt. Diksha Dwivedi

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

Counsel for Applicant :- Gyanendra Kumar Upadhyay

Counsel for Opposite Party :- G.A., Nandini Pandey, Sanjay Dube, Ved Prakash Mishra

Hon'ble Vinod Diwakar, J.

1. Heard Shri Gyanendra Kumar Upadhyay, learned counsel for the applicant, learned A.G.A. for the State and perused the record. No one appears for the opposite party nos. 2 to 6.

2. The present application under Section 482 Cr.P.C. has been filed with a prayer to direct the Additional Civil Judge (J.D.), Room No. 21, Allahabad to conclude the trial of Case No. 66 of 2021 titled as State Vs. Shiv Pratap Shukla and Others, arising out of Case Crime No. 412 of 2019, under Sections 498-A, 323, 504, 506, 406 I.P.C. and Section 3/4 of D.P. Act, P.S. Mahila Thana, District Prayagraj, pending before him.

3. Learned counsel for the applicant submits that petitioner had lodged an FIR, which was registered as Case Crime No. 412 of 2019, under Sections 498-A, 323, 504, 506, 406 I.P.C. and Section 3/4 of D.P. Act at P.S. Mahila Thana, District Prayagraj on 11.11.2019 against opposite party nos. 2 to 6. He submits that after filing of the charge-sheet, the trial court took cognizance on 05.04.2021 and the opposite party nos. 2 to 6 were enlarged on bail on 25.11.2021. Since then, the accused-opposite parties have not appeared before the court below, and because of non-appearance of the accused, the trial of the instant FIR has almost put to hold. He

therefore submits that in the give facts and circumstances, court below may be directed to take appropriate steps to ensure presence of the accused-opposite parties.

4. Considering the aforesaid facts and circumstances of the case, the present application is disposed of with a direction upon trial court concerned to take appropriate steps in accordance with Chapter VI of the Code of Criminal Procedure, for ensuring presence of accused-opposite parties.

Order Date :- 2.12.2023

Shafique

(Vinod Diwakar, J.)