

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42367 of 2023

Applicant :- Asha Devi

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

Counsel for Applicant :- Md Zakir Husain,Md.
Nuruddin Khan

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant-Complainant has filed this application under Section 482 Code of Criminal Procedure for issuance of directions to the learned Civil Judge (Senior Division), F.T.C., Jaunpur to decide the Case No. 06 of 2021, tilted Asha Vs. Mangala Prasad Patel, under Sections 9(kha), 37(2)(Ga) of Domestic Violence Act, 2005, Police Station Newadhiya, District Jaunpur in a stipulated period.

Learned counsel for applicant has submitted that subject complaint was filed by complainant on 07.02.2020, but the same is still pending adjudication and is not making any headway. Learned counsel for applicant has argued that opposite party nos.2 to 5 appeared before the trial court and filed their response on 13.05.2022.

Learned counsel for applicant prays that in view of the nature of the offences, it would be in the interest of justice, if directions are issued to the trial court to decide the above mentioned complaint case in a specific time frame.

Upon hearing the learned counsel for applicant and considering his submissions, this Court finds that complaint instituted by the complainant pertains to a summons case and is to be tried through a summary procedure. The complaint was filed in the year 2020, wherein the process was issued against the accused on 25.06.2021. A perusal of the *zimni* orders would reveal that the case is being adjourned for short dates and there is nothing to indicate that the delay in trial is attributed to the accused.

Thus, considering the entire background of the case, this Court is not inclined to exercise the inherent powers under Section 482 CrPC.

The petition is accordingly, dismissed.

Order Date :- 20.11.2023

Priya