

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42858 of 2023

Applicant :- Vandana Devi

Opposite Party :- State Of U.P. And Anotehr

Counsel for Applicant :- Ram Pravesh Yadav, Shashank Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Vinod Kumar Yadav, Advocate holding brief of Sri Ram Pravesh Yadav, learned counsel for the applicant and Sri Prem Prakash Tiwari, learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking a direction to learned Additional Principal Judge, Family Court, 1st, Jaunpur, for expeditious disposal of Case No.370 of 2018 (Vandana Devi Vs. Dinkar Nishad), under Section 125 Cr.P.C., Police Station Kotwali, District Jaunpur, in a time bound manner.

3. Learned counsel for the applicant submits that an application under Section 125 Cr.P.C. filed by the applicant, who is the wife of opposite party no.2, in the year 2018, which is pending and opposite party no.2 deliberately adopting delaying tactics for obstructing disposal of the said case. Learned counsel for the applicant further submits that the applicant herein is a destitute lady and she has no source of income and is suffering for more than 5 years for want of the order for maintenance, therefore, he has prayed for a direction of this Court for expeditious disposal of the aforesaid case.

4. Though, from the record, it appears that earlier on 07.12.2021, the said application of the applicant was decided *ex parte* against opposite party no.2, however, on an application under Section 126 (2) Cr.P.C. filed by opposite party no.2, the said order was recalled vide order dated 21.06.2023 and the same is pending disposal.

5. Looking at the facts and circumstances of the case and the nature of prayer made by learned counsel for the applicant, learned A.G.A. do not oppose the prayer made by learned counsel for the applicant.

6. Having heard the rival submissions made by learned counsel for the parties, in the considered opinion of this Court, the

proceedings under Section 125 Cr.P.C. of an urgent nature which are required to be disposed of at the earliest. Since, the instant case under Section 125 Cr.P.C. for grant of maintenance is pending since 2018, this Court finds a fit case to issue direction for expeditious disposal of the same.

7. In view thereof, learned Additional Principal Judge, Family Court, 1st, Jaunpur is directed to make an endeavour to dispose of the aforesaid Case No.370 of 2018 (Vandana Devi Vs. Dinkar Nishad), under Section 125 Cr.P.C., Police Station Kotwali, District Jaunpur, as expeditiously as possible, preferably within a period of six months from the date of production of certified copy of this order, after affording due opportunity of hearing to both the parties concerned, if there is no legal impediment.

8. With the aforesaid observations, the instant application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 1.12.2023

Atul