

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42907 of 2023

Applicant :- Fakretaj Alam

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Pradeep Kumar, Piyush Patel

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Pradeep Kumar, learned counsel for the applicant and Sri Rajiv Kumar Singh, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the order dated 29.09.2023, whereby the application for recall of the order dated 23.06.2023 filed by the applicant herein has been rejected, whereby the right to submit the evidence of applicant has been closed, as the applicant herein was taking time since 16.11.2022 and he was not submitting the evidence and more than nine opportunities were granted to the applicant herein. Therefore, learned counsel for the applicant submits that only one opportunity for submitting the evidence may be granted to him, subject to deposit the amount and the matter may be decided on merits thereafter.

3. In view of the aforesaid, the instant application is ***disposed of*** with a direction that the applicant shall submit his evidence within three weeks from today, subject to deposit of Rs. 1,00,000/-, before the trial court. The amount so deposited by the applicant herein, shall be adjusted against the final award of compensation made by the Family Court. After taking the evidence on behalf of the applicant herein, the trial court shall proceed to finally dispose of the application for maintenance u/S 125 Cr.P.C., filed by the opposite party no.2, within three months from today.

4. Learned counsel for the applicant further undertakes that he will not seek any unnecessary adjournment in the case.

Order Date :- 7.12.2023

Shubham Arya