

Court No. - 81

Case :- APPLICATION U/S 483 No. - 1467 of 2023

Applicant :- Kishan Singh @ Kissi

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Bhavya Sahai

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Heard Sri Bhavya Sahai, learned counsel for the applicant and learned A.G.A. for the State.
2. By means of the present application under Section 483 Cr.P.C., the applicant has sought for a suitable direction to the learned court below to consider and decide the Case No.238 of 2021 (State of U.P. vs. Vishnu and others), under Sections 147, 148, 149, 302, 307, 452, 324, 504 and 506 I.P.C., Police Station Goverdhan, District Mathura pending in the Court of Additional Sessions Judge, POCSO Act-II, Mathura within time stipulated by this Court.
3. Learned counsel for the applicant submits that the witnesses have been examined and only the Investigating Officer is left to be examined. He further submits that the Investigating Officer is not appearing for evidence and in fact on 04.10.2023 the case was adjourned because of his non-appearance, thereafter, the matter was listed on 18.10.2023, again he did not appear and the trial court had issued non-bailable warrants and fixed 06.11.2023 as the the next date. He further submits that the F.I.R. was registered against 5 accused persons under Sections 147, 148, 149, 302, 307, 452, 325, 504 and 506 I.P.C. at Police Station Goverdhan, District Mathura.
4. Learned counsel for the applicant further submits that he has already approached this Court for expediting the trial by filing an Application under Section 482 Cr.P.C. No.20087 of 2021, and this Court vide dated 26.10.2021 issued a direction to conclude the trial as expeditiously as possible, preferably within a period of ten months. For ready reference the order dated 26.10.2021 is quoted as under :-

"Heard learned counsel for the applicant, learned AGA for the State and perused the record.

This application under Section 482 CrPC has been filed by the applicant with a prayer to direct the learned District and Sessions Judge, Mathura

to decide the Sessions Trial No. 238 of 2021 (State Vs. Vishnu and others), arising out of Case Crime No. 586 of 2019, under Sections 147, 148, 149, 302, 307, 452, 504, 506 IPC, Police Station Goverdhan, District Mathura within stipulated period.

Learned counsel for the applicant has submitted that in the instant case, the applicant is the first informant and the charges have already framed on 04.03.2021, however since then, trial has been lingering-on, on one pretext or the other.

In view of the above, learned court below is directed to make all endeavours to conclude the trial as expeditiously as possible, preferably within a period of ten months from the date of filing of certified copy of this order without giving any unnecessary adjournments to either parties, if there is no other legal impediment in concluding the aforesaid trial.

With the aforesaid direction, this application under Section 482 Cr.PC is finally disposed of."

5. He further submits that since the trial was not moving so the applicant moved another application before this Court bearing Application under Section 482 Cr.P.C. No.41369 of 2022, which too was disposed of vide order dated 13.12.2022 with a direction to decide the trial of the aforesaid case as expeditiously as possible, preferably within a period of six months. For ready reference the order dated 13.12.2022 is quoted hereunder:-

"Heard learned counsel for the applicant and learned A.G.A. for the State.

This application has been filed with a prayer to direct the learned Sessions Judge, Mathura to decide the S.T. No. 238 of 2021 (State Vs. Vishnu and others), arising out of Case Crime no. 586 of 2019, under sections 147, 148, 149, 302, 307, 452, 504, 506, 325 IPC, P.S. Govardhan, District Mathura pending before Sessions Judge, Mathura within a stipulated period.

Considering the fact that the case have remained pending since 2015. Without expressing any opinion on the merits of the case, this application is finally disposed of with a direction to the court below to decide the aforesaid case in accordance with law, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, preferably within a period of six months from the date of production of a certified copy of this order, if there is no other legal impediment."

6. Learned Counsel for the applicant submits that despite directions issued by this Court twice, the trial has yet not been decided.

7. Learned A.G.A. has not disputed the aforesaid facts.

8. Considering the facts and circumstances as stated above, learned court below is directed to conclude the trial of aforesaid case on merits and in accordance with law, as expeditiously as possible, preferably within a period of nine months the date of production of a certified copy of this order without granting any unnecessary adjournments to either parties.

9. The instant application is, accordingly, ***disposed of***.

Order Date :- 1.12.2023

S.P.