

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43693 of 2023

Applicant :- Smt. Chanda Devi

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

Counsel for Applicant :- Ram Sevak Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Smt. Chanda Devi- applicant has approached this Court through this application under Section 482 Code of Criminal Procedure for issuance of directions to the Additional Sessions Judge ETC 2nd, Ghazipur to decide/expedite S.T. No.414 of 2021, State Vs. Shivam Nishad and others, under Sections 376D, 328,504, 506 IPC, Police Station Khanpur, District Ghazipur arising out of case crime no.318 of 2020, Police Station Khanpur, District Ghazipur, pending in the court of Additional Session Judge F.T.C. 2nd Ghazipur.

Learned counsel submits that on the basis of a complaint moved by the complainant, subject first information report was registered against the accused person and after completion of investigation, a final report was filed, but the trial in the said case is not making any headway as the accused are taking unnecessary adjournments. He prays that a necessary direction be issued for concluding the above trial in the specific time frame.

Upon hearing the learned counsel and considering his submissions, this Court finds that there is no exceptional ground made out by the applicant/complainant for issuance of

directions for expeditious disposal of the trial, as cognizance of offences was taken on 02.03.2021 and charges were framed on 12th August, 2021. In the facts and circumstances of the case, the delay in disposal of the case solely cannot be attributed to the accused and the case has remained pending after its commencement in the year 2020 for various reasons and most of the reasons are attributed to the prosecution etc.

Recently, the Hon'ble Apex Court has observed in the case of **Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra, vide order dated 10.11.2023 passed in Writ Petition(s) (Criminal) No. 587 of 2023**, that the Constitutional court should be slow in fixing a specific time frame for conclusion of a proceedings pending before the court of original jurisdiction.

Thus, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. The application fails and is dismissed.

Order Date :- 30.11.2023

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