

Court No. - 85

Case :- APPLICATION U/S 483 No. - 1506 of 2023

Applicant :- Bindeshwari Prasad And 3 Others

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

Counsel for Applicant :- Chandra Prakash Garg

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the appellants and learned A.G.A. for the State.

2. By means of the present application under Section 483 Cr.P.C., the appellants has sought for a suitable direction to the learned court below to consider and decide Case No.612/IX/2019 (State v/s Bindeshwari Prasad Pandey and others) arising out of NCR No. 94 of 2019, under Section 323, 504, 506, 427 I.P.C., Police Station- Beberu, District- Banda, within time stipulated by this Court.

3. It is submitted by learned counsel for the appellants that in this case cognizance was taken on 14.11.2019 which was challenged during revision before the District Judge Banda vide order dated 20.11.2021 in which it was directed that state case can not be proceed as complaint case but thereafter learned Magistrate has proceeded the case as complaint case. Applicants appeared before trial court on 21.11.2022 and applied for bail and bail was granted by the trial court and on 7.2.2023 trial court fixed the date for framing the charge and next date was fixed on 14.04.2023 and since then trial court has not complied with the order passed by the revision court. Learned counsel further submits that a direction may be issued to the concerned Court to decide the same within specific time.

5. No useful purpose would be served in keeping the application pending, which is finally disposed of with a direction to court below to conclude the trial of aforesaid complaint case expeditiously as early as possible, in accordance with the provisions contained in law, subject to full co-operation by the applicant, if there is no other legal impediment.

6. With the above observations, the application stands **disposed of.**

Order Date :- 8.12.2023/SY