

Court No. - 83

Case :- APPLICATION U/S 483 No. - 1501 of 2023

Applicant :- Smt. Seema Sharma And Another

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Tiwari Abhishek Rajesh

Counsel for Opposite Party :- G.A.

Hon'ble Surendra Singh-I,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.
2. The applicants have filed this application under Section 483 Cr.P.C. seeking a direction to court concerned to decide the Complaint Case No. 915 of 2022 (Seema Sharma & Another Vs. Rishabh Sharma & Others) filed u/s 12 of Domestic Violence Act, pending before the Judicial Magistrate, Khair Aligarh, expeditiously.
3. From the perusal of the record, it transpires that the aforesaid complaint case has been filed on 14.11.2022. Notice was issued against the opposite parties on 29.11.2022. On several occasions, opposite parties did not turn up, therefore, on further dates, the trial court proceeded ex-parte. The case is still pending for recording of evidence of the witnesses.
4. It has been submitted by learned counsel for the applicants that the proceedings of the complaint case was initiated on 17.11.2022. It is also submitted that more than one year has passed but the trial has not concluded.
5. Considering the facts and circumstances of the case, this application is disposed of with a direction to the Judicial Magistrate, Khair Aligarh, to make an endeavour to decide the aforesaid case in accordance with law expeditiously as mandated by provisions of Section 11 and 12 of Protection of Women from Domestic Violence Act, 2005, preferably within a period of two months from the date of presentation of a certified copy of this order, provided there is no other legal impediment.
6. It is made clear that anything said in this order shall not affect the rights of both parties either way and the Trial Court shall be free to decide the case in accordance with law and the evidence led by parties unaffected by anything said in this order.

Order Date :- 7.12.2023

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