

Court No. - 15

Case :- CRIMINAL APPEAL No. - 100 of 2022

Appellant :- Dharmendra Yadav Alias Mithailal And 3 Others

Respondent :- State Of U.P. Thru Prin. Secy. Home And Another

Counsel for Appellant :- Akhilesh Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

The matter is taken up in the revised list. No one is present for the opposite party No. 2.

Learned counsel for the appellants submits that the court below has framed the charges vide order dated 15.12.2021, whereas the discharge application of the appellants is pending. He further submits that the charges framed by the court below are against the principles of Natural Justice. The appellants are not involved in the alleged offence. The impugned order is bad in the eyes of law and is liable to be quashed.

The learned A.G.A. Sri Ashok Kumar Srivastava submits that there is no illegality or infirmity in the impugned order dated 15.12.2021 by which charges have been framed. The court below is competent to frame the charges. The appellants are involved in heinous crime and the F.I.R. was lodged under Sections 201,216,302/34,366,376,120-B, I.P.C. and Section 3(2) (v), S.C./S.T. (P.A.) Act, 1989. It was further submitted that more than three witnesses have already been examined before the court below and the matter is ripe for final hearing, thus, positive direction be given to the court below to expedite the trial of the case expeditiously and the present application be rejected.

After considering the arguments as advanced by the learned counsel for the parties and after perusal of the records this Court finds that there is no illegality or infirmity in the order dated 15.12.2021, by which charges have been framed. The present application has been filed only to linger on the trial of the case pending before the court below. More than three witness have already been examined as per statement made by the counsels, thus, no interference is required at this stage and the application deserves to be dismissed due to lack of merits. Accordingly, this application is **rejected**.

The learned trial court is directed to expedite the trial and conclude the trial expeditiously, preferably within a period of 1 year from today, without granting any unnecessary adjournment

to either of the parties, unless there is any legal impediment or stay by the higher court.

(Shamim Ahmed, J.)

Order Date :- 18.12.2023

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