

Court No. - 23

Case :- APPLICATION U/S 482 No. - 2625 of 2023

Applicant :- Anandita Sinha @ Anandita Rajat @ Annu

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home And Others

Counsel for Applicant :- Satish Kumar Misra, Kumar Vikram

Counsel for Opposite Party :- G.A., A.S.G.I.

Hon'ble Ajay Bhanot, J.

Heard Sri Satish Kumar Misra, learned counsel for the applicant and learned AGA for the State.

By the impugned order the applicant's application seeking permission from the trial court to travel to United States of America to meet her son has been declined.

The chargesheet was filed on 21.06.2018 under Sections 147, 148, 323, 504, 506, 452, 427, 325 IPC against the applicant. The impugned order dated 13.02.2023 records that the charge has not been framed. It is evident from the record that the applicant is not responsible for the delay in the trial. Inordinate delay in the trial for which the applicant cannot be faulted will not come in the way of fundamental liberties of the applicant vested by the Constitution of India.

The trial court has neglected to consider the material aspects and if the order of the trial court is allowed to stand it will encroach upon fundamental liberties of the applicant.

In this wake the order dated 13.02.2023 is quashed.

The applicant is permitted to meet with her son in United States of America for a period of 90 days. The passport authorities are directed to process the application of the applicant for renewal of the passport forthwith in case no other criminal case is pending.

The applicant is allowed.

Order Date :- 21.3.2023

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