

Court No. - 12

Case :- APPLICATION U/S 483 No. - 713 of 2023

Applicant :- Chanduddin

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Applicant :- Amrendra Kumar, Neeraj Kumar Baghel

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned AGA and perused the record.

2. The present application has been filed by the applicant to direct learned Judicial Magistrate-III, Lucknow to decide the Criminal Case No.91342 of 2022 in F.I.R. No.306 of 2021 under Sections 420, 406, 504, 506, 120-B I.P.C. P.S. Alambag, District- Lucknow pending before him, expeditiously.

3. Learned counsel for the applicant submits that the charge sheet was filed on 17.01.2022, cognizance was taken on 07.10.2022, and thereafter, summons were issued but the accused persons are deliberately avoiding the trial and not appearing before the trial court, therefore, a direction may be issued to decide the aforesaid case, expeditiously.

4. Learned AGA has opposed the prayer of applicant and submitted that the order sheet annexed with the application does not reveal that either summon or bailable warrant was served on the accused persons, therefore, at this stage, no direction can be issued to expedite the trial of the case in question.

5. Considering the submission of learned counsel for the parties, going through the contents of application as well as other relevant documents, charge sheet was filed on 17.01.2022, cognizance was taken on 07.10.2022, and thereafter, summons were issued but order sheet annexed with the application does not reveal that either summon or bailable warrant was served on the accused persons, therefore, I am of the view that no direction to expedite the trial proceedings is needed at this state.

6. Accordingly, the application is hereby **dismissed**.

7. Commissioner of Police, Lucknow is directed to ensure the service on the accused persons in the case in question.

Order Date :- 9.11.2023

V. Sinha