

Court No. - 14

Case :- CRIMINAL APPEAL No. - 2949 of 2023

Appellant :- Mohd. Harun And Another

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

Counsel for Appellant :- Gayasuddeen, Farhan Alam Osmany

Counsel for Respondent :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Heard Shri Farhan Alam Osmany learned counsel for appellants as well as learned Additional Government Advocate for the State and perused the record.

2. The instant Criminal Appeal under Section 14-A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been moved by the appellants- **Mohd. Harun and Jainuddin** to quash cognizance order dated 08.05.2023 in ST No. 84/2023 passed by Special Judge SC/ST Act, Court Ambedkar Nagar and also charge sheet dated 20.12.2022 in Crime No. 291/2022 under Sections 419, 420, 352, 504, 506 IPC and 3(1) D, Dh SC/ST Act, police Station Alapur, District Ambedkar Nagar (State Vs. Mohd. Harun and others), pending in the Special Judge SC/ST Act, Court, Ambedkar Nagar.

3. Learned counsel for the appellants has raised many submissions in order to show that cognizance order of date 8.5.2023 has not been passed after perusing the material/evidence collected by the Instigating Officer and the same is liable to be quashed.

4. On being controverted learned counsel for the appellants submits that a regular bail application has already been filed by the appellants before the Special Court and the same is pending for disposal, however, due to report not furnished by the concerned police station the same has not been disposed of yet.

5. It is also submitted that the grievance of the appellants would be redressed, if any direction may be given to the trial court to dispose of bail application of the appellants at the earliest.

6. Learned A.G.A. would have no objection to the request made on behalf of the appellants as otherwise also it is the duty of

every criminal court to dispose of the bail application of the under trials as well as of the convicts on the basis of priority.

7. Thus, keeping in view all the facts and circumstances of the case, the instant Criminal Appeal moved on behalf of the appellants is finally ***disposed of*** with a direction to the trial court/ special court that if any bail application has been moved by the appellants and is still pending, the same shall be disposed of by the trial court/ special court expeditiously, strictly in accordance with law, after providing an opportunity of being heard to the parties, if there is no legal impediment.

Order Date :- 18.10.2023

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