

Court No. - 13

Case :- APPLICATION U/S 483 No. - 705 of 2023

Applicant :- Shashikala Tiwari

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

Counsel for Applicant :- Rajeev Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1. Heard learned counsel for the petitioner as well as learned A.G.A. for the State-respondents.
2. In view of the proposed order being passed, notices to respondent Nos.2 and 3 are dispensed with.
3. The petitioner by way of this petition has prayed for the following relief:-

"The petitioner above named most respectfully begs to submit that for the facts, reasons and circumstances as stated in the accompanying affidavit, this Hon'ble Court may kindly be pleased to direct the learned Additional Sessions Court III ADJ Sultanpur to expedite the Session Trail No. 1081/2022, Case Crime No. 97/2018, under Section 307, 323, 325, 504, 506, I.P.C." State of U. P. Vs. Shushila Devi & one another", Police Station- Gonsaiganj District Sultanpur, pending before him as early as possible within some stipulated time framed, in the interest of justice.

Any other order or direction which this Hon'ble Court may deem, fit and proper under the circumstances of the case may also be passed in favour of the petitioner."

4. Learned counsel for the petitioner submits that charges in the trial has been framed on 17.11.2022 since then as many as ten dates the matter has been adjourned at the instance of the accused persons the trial court is casually giving the adjournment to the accused persons on every date. The order-sheet is on record although after perusal of the record it appears that trial is of 2022 and undue preference cannot be given to the new trials over old and long pending trials however, on perusal of the order-sheet shows that argument of the learned counsel

for the petitioner has some force. The trial court cannot casually exempt the appearance of the accused on the successive dates. This Court is not inclined to expedite the trial over and above the old and pending trial however petition is disposed of with a direction to the learned court below that no undue exemption of the appearance shall be given to the accused persons and the trial shall go on and if any impediment is caused by any of the accused persons the coercive measures shall be taken against him.

5. The petition stands ***disposed of***.

Order Date :- 3.11.2023

Saurabh Yadav/-