

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5014 of 2022

Petitioner :- Swarna Pal Singh

Respondent :- Sub Divisional Magistrate, Gonda And Others

Counsel for Petitioner :- Shachindra Pratap Singh, Neeraj Kumar Rai

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner and learned A.G.A for the respondent State.

Notices to respondent nos. 2 to 5 are dispensed with in view of the proposed order.

Through this petition, the petitioner has prayed for the following main relief:-

"i) to issue an order or direction commanding the respondent, Sub Divisional Magistrate, Mankapur, Gonda to dispose of the Case No.97/118/93 filed in the year 1993, same is no numbered as Case No. 00012/2012 (Computerized Case No. T201208300700012) (Abdul Saeed khan Vs. Kashinath and another), under Section 145 of the Cr.P.C. expeditiously within a time bound period."

Learned counsel for the petitioner submits that the case under Section 145 Cr.P.C. is pending before the Sub Divisional Magistrate, Mandal Devi Patan, District Gonda, Tehsil Mankapur, District Gonda,

since 1993. Even after lapse of more than 29 years the case has not been decided. He submits that one of the party Abdul Saeed Khan has died 14-15 years ago however till date no substitution application has been filed by the heirs and the sons of the late Abdul Saeed Khan are appearing and taking dates. Sub Divisional Magistrate Mankapur, Gonda is fully aware about the inquiry conducted by the Additional superintendent of Police, Gonda as well as death of Abdul Syed Khan still nothing has been done by respondent no.1 to expedite the proceedings.

Learned A.G.A., on the basis of the record, could not dispute the fact that the matter is pending for the last 29 years.

Perused the record so also the order sheet of the case, which is also on the record as Annexure-8 to the petition.

It is astonishing that summary proceedings under Section 145 Cr.P.C. is pending adjudication before the respondent no.1 for the last 29 years.

Considering the above, in the interest of justice, without entering into the merits of the case, the

petition is *disposed of* directing respondent no.1 to expedite and conclude the proceedings on day today basis expeditiously and preferably within a period of two months from the date of receipt of a certified copy of the order.

Order Date :- 5.12.2023

Madhu