

Court No. - 28

Case :- APPLICATION U/S 483 No. - 723 of 2023

Applicant :- Maseeh @ Masiuddin And Others

Opposite Party :- Distt. And Sessions Judge Distt Barabanki And Others

Counsel for Applicant :- Archana Rawat

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. At the very outset, learned counsel for the applicant submits that she may be permitted to delete the opposite party nos.1 & 2 from the array of parties and further she may be permitted to implead 'State of U.P.' as a party.

2. Learned counsel appearing for the State has no objection.

3. In view of the aforesaid, learned counsel for applicant is permitted to delete the opposite party nos.1 & 2 from the array of parties and further, she is permitted to implead 'State of U.P.' as a party during the course of the day. It is further directed that the opposite party no.3 shall be read as opposite party no.1 and newly impleaded party i.e. 'State of U.P.' shall be read as opposite party no.2.

4. Heard Ms. Archana Rawat, learned counsel for the petitioner and Mr. Sanjay Kumar Yadav, learned AGA for the State and perused the material placed on record.

5. Instant application under Section 483 has been filed to direct the Additional Chief Judicial Magistrate Court no.25, District Barabanki to decide the case No.18 of 2020 arising out of Case Crime No.422 of 2019 under Section 354, 504, 506 I.P.C. at P.S. Tikait Nagar, District-Barabanki.

6. Learned counsel appearing for the applicant submits that in case no.18 of 2020 (*Jakira Bano Vs. Maseeh and Others*) arising out of Case Crime No.422 of 2019, the investigating officer submitted final report whereafter the protest application has also been filed but the same is still pending consideration. She added that because of the pendency of this Criminal case, the passport authority is not considering the application of the applicant and, therefore, in the interest of justice, the trial Court may be directed to expedite the proceedings of case no.18 of 2020 within the stipulated period of time as may be fixed by this Court.

7. Learned counsel appearing for the State has no objection to the contentions aforesaid.

8. In view of the aforesaid submissions, the trial Court is hereby directed to conclude the proceedings of case no.18 of 2020 while considering the protest application, arising out of Case Crime No.422 of 2019 under Section 354, 504, 506 I.P.C. at P.S. Tikait Nagar, District-Barabanki, in accordance with law, if there is no legal impediment, considering the instructions and guidelines issued by this Court from time to time.

9. With the aforesaid observations, the instant application is hereby ***disposed of***.

Order Date :- 8.11.2023

-Amit K-