

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5812 of 2023

Petitioner :- Vijay Kumar Sharma

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Civil
Sectt. Lko And Another

Counsel for Petitioner :- Vinay Kumar, Narendra Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

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

2. Through this petition, the petitioner has prayed that the learned CJM, Court No. 16, Lucknow be directed to expedite Case No. 3095/2021, Crime No. 41/2020, under 409/419/420/467/468/506/471 I.P.C. P.S. Kamrauli, district Amethi "State Vs. Chandrika Prasad and others" within a stipulated period.

3. Learned A.G.A. has opposed the petition submitting that it is a new trial and no undue preference should be given to this trial over the old trial(s).

4. Hon'ble Supreme Court vide judgment dated 11.03.2022 in the case of *M. Gopalakrishnan and others Vs. Pasumpon Muthuramalingam and another, Special Leave Petition (Criminal) Diary No. 30839/2021*, has held that undue preference should not be given to the new trials while expediting the proceedings over the old trial.

5. On due consideration to the submissions advanced as well as perusal of the record, and also the judgment of the Supreme Court passed in the case of *M. Gopalakrishnan (supra)*, I am of the view that no undue preference can be given to this trial over the pending old trials and the trial of the aforesaid case cannot be expedited.

However, learned trial court is directed not to give any undue adjournment to the parties.

6. The petition, being devoid of merit, is dismissed.

Order Date :- 9.11.2023

R.C.