

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11326 of 2023

Applicant :- Arvind Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Applicant :- Avinash Pandey,Rahul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard.

Present application has been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the learned Trial Court, i.e. District and Sessions Judge, Pratapgarh, to decide the application, under section 319 Cr. P.C., filed by the petitioner in Sessions Trial No.207 of 2019; State Versus Shailendra Kumar, arising out of Case Crime No.32 of 2016, under sections-304, 323, 504, 506, 427 I.P.C., relating to Police Station-Mandhata, District- Pratapgarh, pending before it, expeditiously, preferably on next fixed date, in the interest of law and justice."

Learned counsel for the applicant placing reliance on the judgment passed by Hon'ble Apex Court in the case of **Guriya Alias Tabassum Tauquir And Others vs. State of Bihar And Another; (2007) 8 SCC 224; Sarojben Ashwinkumar Shah And Others vs. State of Gujarat And Another; (2011) 13 SCC 316** as also the judgment passed by the High Court of Kerala in the case of **Vasudevan Nair vs. State of Kerala, 2004 LawSuit(Ker) 496**, says that justice would suffice if a direction is issued to trial Court i.e. District and Sessions Judge, Pratapgarh, to decide the application preferred under Section 319 of Cr.P.C, under consideration, within time specified.

To the aforesaid, no objection has been raised by the side opposite.

Considering the aforesaid as also the fact that before the trial

court charge sheet was filed in the month of May, 2016 and in the same, trial is pending till date and during pendency of the case, applicant has preferred the application under Section 319 of Cr.P.C. on 28.06.2023, present application is disposed of with a direction to trial Court i.e. District and Sessions Judge, Pratapgarh to decide the pending application under Section 319 Cr.P.C., filed by the applicant/petitioner in Sessions Trial No.207 of 2019 (State vs. Shailendra Kumar), arising out of Case Crime No.32 of 2016, under sections-304, 323, 504, 506, 427 I.P.C., Police Station-Mandhata, District-Pratapgarh, in accordance with law, expeditiously, prior to proceed further in the trial.

It is made clear that this Court has not considered the merits/demerits of the case including the issue of maintainability of the application and accordingly, the trial court is expected to decide the application, in issue, after applying its own mind by a reasoned and speaking order.

With the aforesaid, application is **disposed of finally**.

Order Date :- 20.11.2023

Vinay/-