

**Court No. - 13**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 5946 of 2023

**Petitioner :-** Munshi Raza

**Respondent :-** State Of U.P. Thru. Prin. Secy., Deptt. Of Home, Lucknow And Others

**Counsel for Petitioner :-** Subodh Kumar Pandey

**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. By this petition, the petitioner has prayed for the following relief:-

*To direct the learned Addition District and Session Judge (Room No.4), District Sultanpur to decide the Session Trial No. 577 of 2022 arising out of Case Crime no. 335 of 2021 under section under section 323, 504, 506, 148, 149, 307, 308, 302, 147 and 325 of I.P.C"State of U.P V/s Sarvar @ Chhottan and 11 Others" filed at Police Station Gosaiganj, District-Sultanpur, within the time stipulated by this Hon'ble court in the interest of justice.*

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. A perusal of the record shows that it is a new trial of 2022 in which charges have been framed. The prayer for expediting this new trial can not be considered in view of the judgment of the Supreme Court in the case of "**M. Gopalakrishnan v. Pasumpon Muthuramalingam, 2022 SCC OnLine SC 1968**" wherein it has been held that undue preference should not be given to the new trials while expediting the proceedings over the old trials.

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 sessions trial cannot be expedited.

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

**Order Date :-** 23.11.2023

**R.C.**