

Court No. - 12

Case :- APPLICATION U/S 483 No. - 767 of 2023

Applicant :- Shailendra Singh

Opposite Party :- State Of U.P Thru. Addil. Chief Secy. Home Civil Sectr. Lko. And 7 Others

Counsel for Applicant :- In Person

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard applicant who appears in person, learned A.G.A. for the State and perused the record.

2. The present application has been filed for directing learned Civil Judge (S.D.), F.T.C., Ambedkar Nagar to decide the Complaint Case No. 121 of 2016 (***Shailendra Singh vs. Jay Bahadur Singh and others***) U/s 323, 504, 506 I.P.C., Police Station- Maharuva, District- Ambedkar Nagar which is pending since 21.06.2016, expeditiously.

3. Applicant who appears in person submits that the Complaint Case No. 121 of 2016 is pending since 2016, the same is not concluded in accordance with law, therefore, direction may be issued to learned trial court for expeditious disposal of the case.

4. Learned A.G.A. opposes the prayer of applicant and submits that earlier one application U/s 483 Cr.P.C. No. 234 of 2022 (***Shailendra Singh vs. State of U.P. and others***) was moved by applicant which was disposed of vide order dated 21.06.2022 with the direction to trial court to decide the said complaint case within six months from the date of production of certified copy of the order if there is no legal impediment. He also submits that the complete order sheet has not been annexed, therefore, no such direction can be issued in the present application.

5. Considering the submissions of applicant who appears in person, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that earlier one application U/s 483 Cr.P.C. No. 234 of 2022, as stated above, was filed by applicant which was disposed of vide order dated 21.06.2022.

Order dated 21.06.2022 reads as under:-

"Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The instant application under Section 483 Cr.P.C. has been filed with a prayer to issue direction to the court of learned Civil Judge (Junior Division)/Judicial Magistrate, Ambedkar Nagar to decide the Complaint Case No. 121 of 2016 (Shailendra Singh vs. Jai Bahadur Singh and others), Police Station- Mahrua, District- Ambedkar Nagar.

It is submitted by the learned counsel for the applicant that the applicant is the complainant. The opposite party nos. 2 to 8 are adopting the delaying tactics and the case is pending since the year, 2016.

Having heard learned counsel for the parties, considering the facts and circumstances of the case and material available on record, the court of Civil Judge (Junior Division)/Judicial Magistrate, Ambedkar Nagar is directed to decide the aforesaid case expeditiously, preferably, within a period of six months from the date of a certified copy of this order is produced before him, in case, there is no legal impediment in deciding the aforesaid case, without granting any unnecessary adjournment to either of the parties.

With the aforesaid direction, the application under Section 483 Cr.P.C. is, accordingly, disposed off."

As applicant who appears in person submits that earlier summoning order was passed which was challenged by opposite party no. 2 before learned Sessions Judge, Ambedkar Nagar in a revision and the said revision was allowed and the matter was remanded with the direction to trial court to pass a fresh order, but till today the order U/s 203, 204 Cr.P.C. is not passed.

6. With the above observations, the present application U/s 483 Cr.P.C. is **disposed of**.

7. Trial court is directed to pass appropriate order in the aforesaid provisions in accordance with law, expeditiously without giving any unnecessary adjournments to either of the parties.

8. Office is directed to return all the original/certified copies of the enclosures/documents to the applicant after taking photocopies of the same.

9. Office is further directed to communicate this order to trial court, forthwith.

Order Date :- 24.11.2023

Arpan