

Court No. - 11

Case :- APPLICATION U/S 483 No. - 772 of 2023

Applicant :- Rakesh Sharma

Opposite Party :- Chief Judicial Magistrate Lko. And 2 Others

Counsel for Applicant :- Satya Prakash Mishra, Brijesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard.

The present application under Section 483 Cr.P.C. has been filed seeking following main relief:-

"For the facts, reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the Learned court of opposite party no. 1 to expedite the entire criminal proceeding of Criminal Case No. 72041 of 2023, relates to Charge Sheet No. 1 of 2023, FIR No.247 of 2023, under Sections 406, 504, 507 IPC, P.S-Gomti Nagar, District- Lucknow, in order to conclude trial of the instant case expeditiously pending before him within stipulated period (duly Contained as Annexure No.1 to the affidavit) in the interest of justice."

At the very outset, learned State counsel stated that the petitioner/applicant in regard to main relief sought in this application has approached this Court too early as the criminal case, in issue, is of the year 2023 and is pending before the Court concerned.

In support of his submission, learned State counsel has placed reliance on the judgments passed by the Division Bench of this Court in the case of ***Km. Shobha Bose v. Judge Small Causes & Ors., 2011 (88) ALR 850 and Ali Shad Usmani & Ors. v. Ali Isteba & Ors., 2015 (109) ALR 513.*** The prayer is to dismiss the application.

In view of the above, the main relief prayed for in this application cannot be granted at this stage. As such, the present application is ***disposed of*** with liberty to the petitioner/applicant to move an appropriate application for expediting the proceedings of the pending case before the Court concerned and in case, such an application is moved, then, the Court concerned shall pass appropriate orders on the same within reasonable time, in accordance with law.

Order Date :- 30.11.2023/Vinay/-