

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 6099 of 2023

Petitioner :- Abdul Raheem Khan

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Govt. Lko. And Another

Counsel for Petitioner :- Shamshad Ahmad Khan

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned AGA for the State.

Notices to respondent no. 2 are dispensed with in view of the proposed order.

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

Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to expedite the proceedings of Criminal Case No. 47085 of 2020, State Versus Mohd Ahmad pending before the ACJM-6 Lucknow and direct the learned court below to take coercive action for ensuring the appearance of the accused and commit the case for trial within the time bound period as may be fixed by this Hon'ble Court, otherwise, petitioner would suffer irreparable loss and injury which cannot be made good in any event.

Learned counsel for the petitioner submits that charge sheet in the case was filed on 02.01.2019; the cognizance order was passed on 12.11.2020 after two years of filing the charge sheet; till date even charges have not been framed, hence, he prays that the trial of the aforesaid case may be expedited.

Perusal of the record as well as order sheet shows that cognizance was taken on 12.11.2020 and the accused has been enlarged on bail on 15.04.2023.

This is a new trial and cannot be given preference over the old and pending trial in view of the judgment of the Supreme Court passed in the case of "**M. Gopalakrishnan v. Pasumpon Muthuramalingam, 2022 SCC OnLine SC 1968**". The trial in question cannot be expedited, however, learned trial court is directed to frame charge without providing any undue adjournment to the accused within a period of one month from the date of production of certified copy of this order.

With the aforesaid observations, the petition is disposed of.

Order Date :- 5.12.2023

R.C.