

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 6118 of 2023

Petitioner :- Smt. Tahira Khatoon

Respondent :- Civil Judge (Junior Division) Ambedkar Nagar And 2 Others

Counsel for Petitioner :- Mohd. Ali, Tanzeem Fatima

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioner as well as learned AGA for the State.

Notices to respondent no. 2 and 3 are dispensed with in view of the proposed order.

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

(i) to issue an order or direction to the Civil Judge (Junior Division), Ambedkar Nagar, the opposite party No.1 to decide the Criminal Case No.102 of 2021 filed under Section 340 Cr.P.C.; Tahira Khatoon Vs. Ameerul Hasan and another, which is still pending before him, within the period stipulated by this Hon'ble Court in the interest of justice;

Learned counsel for the the petitioner submits that while making inspection of the original file of O.S. No. 588 of 1985, he came to know that respondent no. 2 and 3 have committed forgery and thus, the petitioner filed an application under Section 340 Cr.P.C. which is registered as case No. 102/2021. For the last two years that case under Section 340 Cr.P.C. is pending at the stage of preliminary inquiry and no finding in respect of forgery has been recorded.

Learned counsel for the petitioner prays that considering the fact that forgery has been committed by opposite party no. 2 and 3, in the compromise filed in OS of 1985, the proceedings of criminal case No. 102/2021 under Section 340 Cr.P.C. are liable to be expedited.

On due consideration to the innocuous prayer made by the petitioner, so also the fact that proceedings under Section 340 Cr.P.C. is pending for the last two years in pursuance of the forgery committed in OS of 1995, in the interest of justice, the petition is ***disposed of*** providing that learned court below shall expeditiously conclude the proceedings under Section 340 Cr.P.C. preferably within a period of three months from the date of production of certified copy of this order.

The petitioner undertakes that he will not take any unnecessary adjournment in the matter.

Order Date :- 7.12.2023

R.C.