

Court No. - 11

Case :- APPLICATION U/S 483 No. - 834 of 2023

Applicant :- Smt. Shanti Devi

Opposite Party :- State Of U.P. Thru. Secy. Home Deptt., Lko. And Others

Counsel for Applicant :- Versha Rani Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard.

The present application has been filed for expeditious disposal of Criminal Case No. 801 of 2022, arising out of Case Crime No. 352 of 2021 under Sections 419, 420, 467, 468, 471, 506 IPC, P.S.-Bihar, District-Unnao pending before the opposite party No.2-Court of Judicial Magistrate, Purwa, Unnao.

It is stated that the applicant a senior citizen, aged about 75 years, has approached this Court by means of present application under Section 483 Cr.P.C. for expeditious disposal of the proceedings.

It is further stated that the applicant is a wife of retired Army Personnel and the FIR in issue was lodged on 23.11.2021 under Sections 419, 420, 467, 468, 471, 328 506 IPC, PS-Bihar, District-Unnao and as per the FIR, the accused Alok Gautam with the help of other accused by committing fraud got a Will of applicant registered on 28.08.2020 in his favour and he has also got his name mutated in the revenue record by posing him as son of Late Jagannath, husband of the applicant and their upon, the Investigating Officer after conducting the investigation submitted the charge sheet dated on 04.06.2022 before the Court concerned, however, no effective order has been passed till date.

It is also stated that taking note of aforesaid facts and circumstances of the case particularly the age of the applicant, indulgence of this Court is required in the matter.

Considering the aforesaid as also the period of pendency of the case, this Court is not inclined to grant the prayer sought in the application, at this stage. However, it is expected that for expeditious disposal of the case, trial court shall do needful in the matter in the light of the observations made by the Hon'ble Apex Court in various pronouncements including in the case(s) of ***Hussainara Khatoon vs. Home Secretary, State of Bihar; 1979 AIR 1369; Abdul Rehman Antulay & Others vs. R.S.Nayak & Another; (1992) 1 SCC 225;*** according to which, the right to speedy trial is implicit under Article 21 of the Constitution of India and trial should be concluded expeditiously.

With the aforesaid observation, the application under Section 483 Cr.P.C. is **disposed of finally.**

Order Date :- 20.12.2023/Vinay/-