

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 6350 of 2023

Petitioner :- Smt. Sifat Fatima

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Petitioner :- Syed Azizul Hasan Rizvi

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

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

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

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

Issue an order or direction, directing opposite party no. 2 to dispose of the pending Session Trial No. 10 of 2023 "State Vs. Mohammad Imran" pending in the Court of 1st Additional District and Sessions Judge, Balrampur, quickly, and expeditiously within two months, in the interest of justice.

Learned A.G.A. has opposed the petition submitting that it is a new trial and no undue preference should be given to this trial over the old trial(s) in view of the judgment of Supreme Court passed in the case of **M. Gopalakrishnan and others Vs. Pasumpon Muthuramalingam and another, Special Leave Petition (Criminal) Diary No. 30839/2021.**

Hon'ble Supreme Court vide judgment dated 11.03.2022 in the case of ***M. Gopalakrishnan and others Vs. Pasumpon Muthuramalingam and another, Special Leave Petition (Criminal) Diary No. 30839/2021,*** has held that undue preference should not be given to the new trials while expediting the proceedings over the old trial.

On due consideration to the submissions advanced as well as perusal of the record, and also the judgment of the Supreme Court passed in the case of ***M. Gopalakrishnan (supra),*** I am of the view that no undue preference can be given to this trial over the pending old trials and the trial of the aforesaid case cannot be expedited.

However, learned trial court is directed not to give any undue adjournment to the parties.

The petition, being devoid of merit, is dismissed.

Order Date :- 19.12.2023/R.C.