

Court No. - 11

Case :- APPLICATION U/S 483 No. - 841 of 2023

Applicant :- Smt. Usha Rani And 2 Others

Opposite Party :- Addl. Chief Judicial Magistrate-Vi And Another

Counsel for Applicant :- Prabh Jot Kaur

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicants, learned Government Advocate for the State of U.P. and perused the record.

The instant application under Section 483 Cr.P.C. has been preferred for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct learned the Additional Chief Judicial Magistrate VI, Lucknow (Opposite Party No.1) to decide the complain dated 13-05-2019 along with interim maintenance application of the petitioner no.2 pending before him since 13-05-2019 in complain case no. 518/19 (Smt. Usha Rani and Others Vs. Dujai Ram & other) under section 12 at the earliest as possible in reasonable time in the interest of justice."

Considering the facts and circumstances of the case indicated in the application particularly the period of pendency of the criminal case in issue, this Court is not inclined to accede the prayer sought in the present application. 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 as also taking note of provisions of sub section 5 of Section 12 of Protection of Women from Domestic Violence Act, 2005, as per which, the Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

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

Order Date :- 22.12.2023

Arun/-