

Court No. - 11

Case :- APPLICATION U/S 483 No. - 845 of 2023

Applicant :- Ashok Kumar Pandey Alias Ashok Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. And 4 Others

Counsel for Applicant :- Sanandan Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, 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:-

"WHEREAS, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the court below i.e. Hon'ble below/judicial magistrate 2nd, Lucknow to decide the pending criminal trial of Case No-07/2017 State Vs. Jahnawi Shankar and others, Crime No-81/2016 U/Sec- 498A/504/506/406 IPC and 3/4 D.P. Act Police Station Para Lucknow expeditiously within a stipulated time.

Further for end of justice issue a suitable direction to Hon'ble below/judicial magistrate 2nd, Lucknow to insert section 406 IPC under the heading of charge upon the accused person based upon supplementary charge sheet dated 01-12-2017 filed in the matter against the named accused person by the investigating officer."

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 and trial should be concluded expeditiously.

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

Order Date :- 22.12.2023

Arun/-