

Court No. - 11

Case :- APPLICATION U/S 483 No. - 857 of 2023

Applicant :- Smt. Shobha Mitra

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And 2 Others

Counsel for Applicant :- Richa Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

At the very outset, Ms. Richa Tiwari, learned counsel appearing for the applicant says that there is some error in prayer clause of this application, as such, she may be permitted to rectify the said error during the course of the day.

The prayer aforesaid is acceded as the same has not been opposed.

Learned counsel appearing the applicant is permitted to rectify the error crept in prayer clause of this application during the course of the day.

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:-

"Wherefore, it is most respectfully prayed that this Hon'ble may kindly be pleased to direct to Chief Judicial Magistrate, Ambedkar Nagar to expedite the proceedings of Case No. 1617/2014 ('Smt. Bandana Mishra Versus Uttam Kumar) arising out of case crime no 158/2011 under section 498A, 323, 504 & 506 IPC and section 3/4 Dowry of Prohibition Act Police Station, Baskhari District - Ambedkar Nagar pending in the court of Chief Judicial Magistrate, Ambedkar Nagar expeditiously within stipulated period in the ends of justice."

Considering the facts and circumstances of the case indicated in the application, 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/-