

Court No. - 16

Case :- MATTERS UNDER ARTICLE 227 No. - 3113 of 2024

Petitioner :- Mohammad Riyaz Khan

Respondent :- State Of U.P. Thru. Secy. (Law), Lucknow And Another

Counsel for Petitioner :- Sukh Deo Singh, Paritosh Shukla

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Paritosh Shukla, learned counsel for the petitioner as well as Sri Hari Shanker Bajpai, learned A.G.A.-I for the State and perused the record.

This petition under Article 227 of the Constitution of India has been filed with a prayer to issue an order or direction commanding the learned trial court to decide the Application No.21Kha in S.T. No.501/2017, Case Crime No.260/2016, under Section 307 I.P.C., Police Station Musafirkhana, District Amethi, pending before learned Additional Sessions Judge, Court No.8, Sultanpur expeditiously within stipulated time.

Learned counsel for the petitioner submits that the petitioner is victim of the crime and he has moved an application dated 20.09.2022 bearing no. 21Kha for bringing on record the pen drive of video recording of Indrajeet recorded during investigation. He further submits that the opposite party no.2 has filed objections against the application on 17.11.2022 and since then 20 months have been passed but the learned trial court has not decided the application yet.

Learned counsel for the petitioner further submits that a positive direction be given to the trial court to decide the aforesaid application within a stipulated period.

Learned A.G.A.-I has no objection on the prayer made by the learned counsel for the petitioner and submits that a positive direction be given to the trial court to decide the application of the petitioner, as merely keeping pending the same by the trial court does not suffice any purpose of the litigation.

In view of the statements made by the learned counsel for the parties, the trial court is directed to decide the aforesaid application dated 20.09.2022 filed by the petitioner in the above mentioned case expeditiously i.e. within six weeks, without

granting any unnecessary adjournment to either of the parties from the date of filing of the certified copy of this order, unless there is some legal impediment or unless there is any order passed by the higher court staying the proceedings of the case.

With the aforesaid observation, the petition is **disposed of** finally.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this petition and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 9.7.2024

Saurabh