



2025:AHC:174653

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 3617 of 2025

Vinay Kumar Rai

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Dhananjay Singh Yadav, Priyanka Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 82

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dhananjay Singh Yadav, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.
2. The instant application has been filed on behalf of the applicant with the prayer to direct the court below to expedite Special Trial No. 13 of 2019 (State Vs. Vinay Rai and others) arising out of Case Crime No.592 of 2006, under Section 218 IPC, Police Station Jafrabad, District Jaunpur during pendency of the trial.
3. Learned counsel for the applicant submits that applicant is one of the accused in the present matter and he moved instant application with the prayer to direct the court concerned to expedite the trial of the case.
4. He further submits that due to pendency of criminal case applicant is facing agony of criminal prosecution and the trial of the case is at evidence state and is pending before the court concerned since 2019, i.e., for the last six years.
5. He further submits that law is settled that criminal trial should be conducted on day-to-day basis and, therefore, it reflects that the mandatory provisions of law have not been followed by trial court.
6. He further submits that therefore, considering above facts a direction may be given to the trial court to conclude the trial as expeditiously as possible, preferably within stipulated period of time.

7. Per contra, learned AGA opposed the prayer and submits that considering the heavy dockets of the court concerned, it would not be proper for this Court to give any direction that trial of the case be concluded within stipulated period of time.

8. He further submits that even Constitution Bench of the Apex Court in the case of ***High Court Bar Association Vs. State of U.P. and others, 2024(6) SCC 267*** categorically observed that no such direction ordinarily should be given by the High Court to the trial court.

9. He further submits that therefore, the instant application is devoid of merit and it should be dismissed.

10. I have heard learned counsel for the parties and perused the record of the case.

11. Applicant is one of the accused in the present matter and he moved the instant application with the prayer to give direction to the trial court to conclude the trial within stipulated period of time.

12. However, from the record it reflects that trial of the case is pending before the trial court since the year 2019 but along with the instant application entire order sheet of the case has not been annexed and order sheet has been annexed from 16.1.2024, therefore, this Court cannot form any opinion whether applicant is causing any delay or not.

13. Further, even from the order sheet which has been annexed by the applicant it reflects that short dates are being fixed by the trial court and from the order sheet it reflects that number of occasions even accused persons sought adjournments.

14. Record also suggests that even court concerned also issued warrants to the witnesses, therefore, it cannot be said that trial court is not trying to decide the case expeditiously.

15. Further, Constitution Bench of the Apex Court in the case of ***High Court Bar Association (supra)*** on which reliance was placed by learned AGA that this Court ordinarily should not give any direction to expedite the trial of the case and it should be left on the wisdom of the court concerned to conduct the trial considering the work pending before it.

16. Further, this Court is also of the view that the case of applicant cannot be given any priority as even number of trials are pending before the court below even before the year 2019.

17. Therefore, considering the facts and circumstances of the case discussed above, in view of this Court no direction can be given to the trial court at this stage to expedite the proceedings of the case on priority basis.

18. Therefore, instant application filed by applicant is devoid of merit and is, accordingly, dismissed.

(Sameer Jain,J.)

September 26, 2025

SKM