2026:AHC:188398

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4313 of 2026

Kishan Chaudhary

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kamal Kaushal Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE DR. AJAY KUMAR-II, J.

1. Heard learned counsel for the applicant, learned A.G.A. for State and perused material on record.

2. The present application has been filed by the applicant with prayer to direct the learned trial court to decide/expedite the Case No. 973 of 2024 (State vs. Virendra Singh and others) arising out of Case Crime No. 11 of 2024, under Sections 420, 467, 468, 471 IPC, P.S. Gaunda, District Aligarh, pending before Judicial Magistrate, Iglas, Aligarh within stipulated period.

3. Learned counsel for the applicant submits that the proceedings before the court concerned be directed to be concluded in a time bound manner. It is submitted by learned counsel for the applicant that matter belongs to the year 2024, which is still pending and has not been decided till now. Therefore, he requested that a direction to learned trial court be issued to decide the aforesaid case within a stipulated period of time.

4. Learned A.G.A. has no objection in this regard if the Court below is not already overloaded with huge pendency of such cases.

5. Hon’ble Apex Court in **Shaikh Uzma Feroz Hussain vs. State of Maharashtra in Writ Petition (Criminal) No. 587 of 2023** has observed that every High Court and every Court in the country has a huge pendency, the constitutional Court should avoid temptation of fixing a time bound schedule for disposal of any case before any Court unless the situation is extra ordinary.

6. Hon’ble Apex Court in **High Court Bar Association, Allahabad vs. State of U.P. and others, (2024) 6 SCC 267** has observed in paragraph

42, which is reproduced as under:-

"*Constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different.* ***The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of- turn priority to certain cases should be best left to the concerned Courts.*** *The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations."*

7. Thus, law as far as issuance of a direction for time bound/expeditious disposal has already been well settled that only when an exceptional circumstance is made out, a direction for time-bound/ expeditious disposal of such a case can be issued, not otherwise.

8. Learned counsel for the applicant has failed to make out any exceptional circumstances to issue direction for time-bound/expeditious disposal of case, at this stage. Accordingly, relief sought by way of present application is hereby refused.

9. Considering the nature of prayer made by counsel for the applicant, the interest of justice would be served, in the event, the applicant applies before the court concerned for expeditious disposal of the above mentioned case. Therefore, applicant is given a liberty to move an appropriate application before trial Court concerned for bringing out all such fact, which are necessary for expeditious disposal of his case within two weeks from today, and in case such an application is moved, the trial Court shall decide the same within four weeks from the date of filing of such application. If trial Court comes to conclusion that the case for expeditious disposal is made out then in that eventuality it shall decide the same as expeditiously as possible within a reasonable period.

10. It is also provided that in the event there is any legal impediment before the court concerned in disposal of the case, then the court concerned shall pass an appropriate order disclosing the legal impediment as to why the proceedings of the above mentioned case cannot be proceeded with.

11. Accordingly, the present application is **disposed of** with aforesaid direction.

(Dr. Ajay Kumar-II,J.)

September 9, 2026
Dhirendra/

Digitally signed by :-
DHIRENDRA KUMAR
High Court of Judicature at Allahabad