2026:AHC:209376

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4890 of 2026

Kamlesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the applicant and learned A.G.A. For the State.

2. The present application has been filed with the following prayer:-

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to allow the application and direct the Special Judge/ Prevention and Corruption Act, Allahabad to decide the Special Trail No. 04/2018 of 2019 (State Vs. Siyaram and others) arising out of Case Crime No.108 of 2008 Under Section 420, 467, 468, 471, 466, 120B I.P.C. and section 7(1), 13(2) of Prevention and Corruption Act, Police Station Manjhanpur District-Kaushambi pending in the Court of Special Judge/ Prevention and Corruption Act, Allahabad expeditiously preferably within short and stipulate period in the interest of justice so that justice may be done otherwise applicant shall suffer irreparable loss and injury. And/or pass such other and further orders which this Hon'ble may deem fit and proper under the circumstances of the case."

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 the applicant is informant.

4. Learned AGA submits that the speedy trial is one of the

essential requirement of judicial process and he submits that the present application may be decided in terms of judgement dated 29.2.2024 passed by Supreme Court in **High Court Bar Association, Allahabad Vs State of U.P and others – 2023 INSC 150**.

5. The prayer in the present application is for disposal of the above mentioned case in a time bound manner. The Supreme Court in a recent judgement dated 29/2/2024 being **High Court Bar Association, Allahabad Vs State of U.P and others (supra)** has held as under :-

"*Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending; and*"

6. Learned counsel for the applicant has not shown any exceptional circumstances to issue direction at this stage. Considering the nature of prayer made by counsel for the applicant, the interest of justice would be served, in the event, applicant applies before the court concerned for expeditious disposal of the above mentioned case.

7. In view of the aforesaid, the present application U/S 529 BNSS is disposed of with liberty to the applicant to prefer an application before the court concerned for disposal of the above mentioned case in a time bound manner. In the event any such application is filed by the applicant before the court concerned, the court concerned shall consider the same and pass appropriate order in accordance with law. It goes without saying that the prosecution shall co-operate in the trial court proceeding and shall produce the prosecution witness without delay. The accused person shall also not be granted any unnecessary adjournment by the court concerned.

8. 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.

9. The present application U/S 529 BNSS is accordingly disposed of with the aforesaid direction.

October 7, 2026
D. Tamang

(Vikram D. Chauhan,J.)

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