2026:AHC:227907

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 5379 of 2026

Informant

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Gulshan Kumar, Sarita Devi, Sunil Kumar Pandey

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

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

1. Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

2. This application under Section 529 BNSS has been filed seeking direction to the court concerned for early disposal of Special Session Trial No. 848 of 2023 (State Vs. Kamlesh Yadav and others), arising out of Case Crime No. 0167 of 2023, under Sections- 376D I.P.C. & 3(2)5 SC/ST Act (P.A.) Act, Police Station- Muhammadabad, District- Ghazipur, pending before the court of Special Judge S.C./S.T. (P.A.) Act, Ghazipur.

3. Learned counsel for the applicant submits that in the aforesaid case, summoning order had been passed on 20.09.2023 and statement of P.W.1 was recorded on 3.4.2025 and since then no other witness has been examined by the prosecution. It is next submitted that as per the provisions of Section 309 Cr.P.C./346 B.N.S.S., the inquiry or trial relating to such matters must, as far as possible, be completed within **two months** from the date of filing the charge sheet.

4. **Section 309 Cr.P.C. Power to postpone or adjourn proceedings:**

> (1) In every inquiry or trial the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded;

> **Provided** that when the inquiry or trial relates to an offence under section 376, section 376A, section 376AB, section 376B, section 376C or section 376D, section 376DA, section 376DB of the Indian Penal Code, the inquiry or trial shall be completed within a period of two months from the date of filing of the charge sheet.

4. Considering the facts and circumstances of the case and without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the court concerned to decide the aforesaid case in accordance with law, as expeditiously as possible, preferably within a period of **one year** from the date of presentation of a certified copy of this order, without granting any unnecessary or long adjournments to either of the parties, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

November 2, 2026
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad