

Ashok Kumar Gupta vs State Of U.P. And 3 Others on 28 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44190

Court No. - 75

Case :- APPLICATION U/S 482 No. - 39920 of 2024

Applicant :- Ashok Kumar Gupta

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Anurag Yadav,Rajeev Nayan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. List has been revised.
2. No one appears on behalf of the applicants whereas learned A.G.A. is present.
3. It is informed by learned A.G.A. that the Bar Association of Allahabad High Court has passed a resolution that all members of Bar will abstain from judicial work today.
4. The present application has been filed to issue a direction to the learned Session Judge, Varanasi, to decide the S.T. No. 322 of 2021 (State Vs. Rahul and others), arising out of Case Crime No. 474 of 2020, u/s 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Phoolpur, District- Varanasi, pending in the court of Session Judge, District- Varanasi, within a specific period.
5. From perusal of order sheet, it appears that charges were framed on 17.03.2021 in the proceeding

in question. Thereafter, though several witnesses were examined but trial could not be concluded. This Court vide order dated 27.02.2025 directed the court below to submit report regarding the status of the trial as well as the number of witnesses to be examined and the number of witnesses who have been examined. In pursuance of order dated 27.02.2025, a report dated 07.03.2025 was submitted by Additional Sessions Judge/ Special Judge (Anti-Corruption Act), Court No.4, Varanasi. In that report, it is specifically mentioned that prosecution has nominated 21 witnesses and 9 witnesses have already been examined and notice has been issued to the witness, Kunwar Bahadur Singh as expert witness but he could not appear for examination before the court for want of required permission from his department and next date fixed is 11.03.2025. From the perusal of the above report, it appears though more than 4 years has passed after framing of charges but trial could not be concluded for the reason that sometimes accused did not cooperate and sometimes prosecution witnesses did not appear before the court despite issuance of several processes against them.

6. Though the Apex Court in the case of High Court Bar Association, Allahabad Vs. State of Uttar Pradesh (Criminal Appeal No. 3589 of 2023) has observed that High Court should not normally direct the trial court to decide the case in time bound manner which was further reiterated by the Apex Court in the case of Sangram Sadashiv Suryavanshi Vs. State of Maharashtra, 2024 SCC Online SC 3526. In the subsequent judgement, the Apex Court observed that constitutional courts should follow the guidelines of the case of High Court Bar Association, Allahabad (supra) but in exceptional circumstances, High Courts can direct trial court to decide the trial in time bound manner.

7. The present case falls in the category of exceptional case as charges were framed in the year 2021 and the trial in question is related to the offence against women u/s 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act. Therefore, court below is directed to conclude the trial of S.T. No. 322 of 2021 (State Vs. Rahul and others), arising out of Case Crime No. 474 of 2020, u/s 498-A, 304-B I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Phoolpur, District- Varanasi, pending in the court of Session Judge, District- Varanasi, and decide the same expeditiously preferably within a period of one year from the date of receiving the copy of this order.

8. With the aforesaid observations, this application is disposed of.

Order Date :- 28.3.2025 KS