

Ratan Kumar Asthana vs State Of U.P. And Another on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68940

Court No. - 80

Case :- APPLICATION U/S 529 BNSS No. - 1026 of 2025

Applicant :- Ratan Kumar Asthana

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajeev Ranjan Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. This application under Section 529 BNSS has been filed with a prayer to direct the court concerned to decide the Case No. 851 of 2021 under Section 340 CrPC, pending in the Court of Additional Principal Judge, Family Court-III, Jaunpur, expeditiously within stipulated period.
2. Heard learned counsel for the applicant as well as learned A.G.A. for the State.
3. It is submitted by the learned counsel for the applicant that the aforesaid case is pending since 2021. A false affidavit was said to be given by the opposite party no.2 in case under Section 125 CrPC. In this connection an application u/s 340 CrPC was moved by the present applicant. The said application is pending and the Court concerned is not taking proper interest in disposal of the same. It is also submitted that the opposite party no. 2 is adopting delaying tactics in disposal of the said application and only dates are being fixed in the matter. Evidence is not being adduced by the opposite party no.2 and for the said reason the said application is pending for disposal.

4. Learned AGA opposed the prayer.

5. I have considered the submissions and perused the record.

6. It reveals from the perusal of the order sheets that the aforesaid application is pending since the year 2021. In the circumstances, the Court concerned is directed to invoke the powers given to it under law to ensure the presence of the opposite party no.2 by sending appropriate process to her as early as possible and thereafter make all endeavours to decide the said application within six months from the date of production of certified copy of this order before, if there is no legal impediment.

7. It is also made clear that the Court / Presiding Officer is not the only stake holder in the trial and disposal of a case, hence, besides the P.O. concerned, all the stake holders i.e. police and executive authorities, counsels, parties to the case, staff etc. are also made bound by this order and it will be their responsibility also to assist the Court in every manner for the expeditious disposal of this case.

8. With the above observations, the application stands disposed of.

Order Date :- 1.5.2025 safi