

Smt Shivangi Sahni vs State Of U.P. And 6 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68826

Court No. - 80

Case :- APPLICATION U/S 529 BNSS No. - 1034 of 2025

Applicant :- Smt Shivangi Sahni

Opposite Party :- State Of U.P. And 6 Others

Counsel for Applicant :- Sunil Kumar Tiwari,Vikash Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 529 BNSS has been filed with a prayer to direct the Additional Civil Judge (JD), Court No.21, Allahabad, to decide the Case No. 379 of 2024, arising out of case crime no. 0163 of 2023, under Sections 498-A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Daraganj, Commissionerate, Prayagraj expeditiously within a stipulated period.
3. It is submitted by learned counsel for the applicant that the applicant is the aggrieved wife. The aforesaid case was filed in the year 2024 but the matter is still pending at the stage of appearance of said opposite parties. The opposite party nos.2 to 7 never appeared before the Court concerned. They are adopting delaying tactics in disposal of the case. It is also submitted that they are living at Maharashtra.

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

5. It reveals from the perusal of the order sheets that the aforesaid case is pending at the stage of appearance of opposite party nos. 2 to 7. They are not cooperating with the progress of the case. It also appears that they are living at Maharashtra. It is reminded that the criminal Courts are never toothless or powerless to ensure compliance of its own orders by the concerned police and administrative authorities. They have got ample powers for the same under law itself. The trial court is expected to invoke its power to ensure service of process upon the opposite party nos.2 to 7, which is sent under its seal and order in order to procure his presence.

6. 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 nos.2 to 7 by sending appropriate process to them preferably within four months from the date of production of certified copy of this order before it and thereafter all endeavours shall be made by it for expeditious disposal of the case, 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