

Sunil Chaurasia vs State Of U.P. And 5 Others on 31 January, 2025

Author: Rajeev Misra

Bench: Rajeev Misra

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14869

Court No. - 71

Case :- APPLICATION U/S 482 No. - 2879 of 2025

Applicant :- Sunil Chaurasia

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Bhaskar Bhadra,Rajveer Chaurasiya

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

1. Heard Mr. Rajveer Chaurasiya, the learned counsel for applicant and the learned A.G.A. for State.
2. Perused the record.
3. Applicant-Sunil Chaurasia, who is the first informant, has approached this Court by means of present application under Section 482 Cr.P.C. with the following prayer:-

"It is, therefore, most respectfully prayed that the Hon'ble Court may graciously be pleased to direct the court below to decide the special case no. 849 of 2023 (State

Versus Ramesh Verma and others) arising out case crime no. 638 of 2022 under section 147, 323, 325, 302 I.P.C. P.S. Capmeirganj District- Gorakhpur within Some stipulated period fixed by this Hon'ble Court.

And/or pass such other and further order which this Hon'ble Court may deem fit and proper, under the facts and circumstances of the case."

4. Record shows that in respect of an incident, which is alleged to have occurred on 25.12.2022, a delayed FIR dated 26.12.2022 was lodged by first informant-applicant and was registered as Case Crime No. 0638 of 2022, under Sections 147, 323, 302 IPC, Police Station-Campierganj, District-Gorakhpur. In the aforesaid FIR, six persons namely (1) Ramesh Verma, (2) Umesh Verma, (3) Dinesh Verma, (4) Sujeet Verma, (5) Ranjeet Verma and (6) Suraj Verma have been nominated as named accused.

5. After aforementioned FIR was lodged, Investigating Officer proceeded with statutory investigation of concerned case crime number in terms of Chapter-XII Cr.P.C. On the basis material collected by him, during course of investigation, Investigating Officer came to the conclusion that offence complained of is prima facie established. Consequently, he submitted the charge sheet/police report dated 06.03.2023 in terms of Section 173(2) Cr.P.C. against five of the named accused under Sections 147, 323, 325, 302 IPC, whereas one of the named accused namely Dinesh Verma was exculpated.

6. Upon submission of aforementioned police report/charge sheet, cognizance was taken upon same by the Jurisdictional Magistrate. However, as offence complained of is triable exclusively by the Court of Sessions, therefore, the Jurisdictional Magistrate, committed the case to the Court of Sessions. Resultantly, Special Case No. 849 of 2023 (State Vs. Ramesh Verma and Others) came to be registered. The concerned Sessions Judge proceeded with trial. He framed charges against charge sheeted accused, vide framing of charge order dated 17.08.2023.

7. Subsequent to above order dated 17.08.2023, the trial procedure commenced. Prosecution in discharge of its burden to bring home the charges so framed against charge sheeted accused has adduced only two witnesses up to this stage.

8. On the above premise, the learned counsel for applicant submits that the trial of charge sheeted accused commenced in the year, 2023. However, in spite of the fact that a period of more than one year has rolled by, the trial of the accused has not yet concluded. The trial is not proceeding at the required pace but to the contrary, at a snail's pace. As per the charge sheet, there are as many as 30 prosecution witnesses nominated therein. In view of the lackadaisical approach of Court below in conducting the trial, there is no possibility of the trial getting concluded in near future. At this juncture, the learned counsel for applicant invited the attention of Court to the order sheet and on basis thereof, he submits that the case has been adjourned repeatedly either on the ground of non presence of witnesses before Court below or adjournment/stay was prayed on behalf of accused, which has been readily granted by Court below. On the above premise, it is thus urged by the learned counsel for applicant that interest of justice shall be served, in case, a positive direction is

issued by this Court to Court below to proceed with aforementioned trial expeditiously without granting any unnecessary adjournment to either of the parties, exemption to the accused and further conclude the trial within a time period fixed by this Court.

8. Per contra, the learned A.G.A. for State-opposite party-1 has opposed the present application. Referring to the observations made by Apex Court in paragraphs 41 and 42 of the Five Judges Bench judgment in High Court Bar Association, Allahabad Vs. State of U.P. and Others, 2024 SCC Online SC 207, the learned A.G.A. submits that no direction for time bound disposal of criminal trial can now be issued by this Court. However, the Apex Court in aforementioned judgment has itself carved out an exception that in case, exceptional circumstance exists, the Constitutional Court can direct for time bound disposal of a criminal case. Referring to the affidavit filed in support of this application, the learned A.G.A. submits that since no exceptional circumstance has emerged on record, therefore, no indulgence be granted by this Court in present application.

9. Having heard the learned counsel for applicant, the learned A.G.A. for State and upon perusal of record, this Court finds that no useful purpose shall be served in keeping this application pending.

10. Accordingly, this application is disposed of finally with a direction to Court below to proceed with aforementioned Sessions Trial expeditiously without granting any unnecessary adjournment to either of the parties, stay/exemption to accused except in exceptional circumstance and to take such measure as are available under the Code (i.e. Cr.P.C.) to secure the presence of the witnesses and further ensure strict compliance of the mandate of law provided in Section 309 Cr.P.C./Section 346 BNSS.

Order Date :- 31.1.2025 Vinay