

Court No. - 53

Case :- APPLICATION U/S 482 No. - 14720 of 2018

Applicant :- Dhruv Singh @ Kuntu Singh

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Devendra Mohan Singh

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

Heard Sri Devendra Mohan Singh, learned counsel for the applicant and Sri Shyamdhara Yadav, learned AGA alongwith Sri Amit Shukla appearing for the state.

This application has been filed under Section 482 CrPC with a prayer to direct the learned Special Judge, Court No.7, Azamgarh (State Vs. Ramakar Patel) in ST No.409 of 2010, Case Crime No.13 of 2010, under Sections 302, 120B IPC, PS Raunapaar, District Azamgarh expeditiously within prescribed a period as directed by this Court.

The submission of the learned counsel for the applicant is that the trial dates back to the year 2010 and relates to a heinous offence. The witnesses are under constant threat but the evidence of PW-1 & 2 has been recorded. PW-3, Sushila despite processes being taken out to summon her is not appearing. There are eight witnesses in all including formal witnesses.

A perusal of the order dated 13.04.2018 PW-3, Sushila has sought an adjournment on 13.04.2018. Looking to the said fact it is directed that trial court shall proceed to decide the matter and conclude the same expeditiously within a period of **six** months next in accordance with the provisions of Section 309 CrPC and in view of the principle as has been laid down in the recent judgment of Hon'ble Supreme Court in the case of **Vinod Kumar vs. State of Punjab** reported in **2015 (3) SCC 220**, if there is no legal impediment.

With the aforesaid directions, the application is finally **disposed of**.

The witnesses, if they do not appear on the first summons, shall have their attendance secured through immediate issue of coercive processes, and, once a witness appears he/she will not be discharged till his/her evidence is concluded.

Order Date :- 30.4.2018

Shahroz