

Court No. - 53

Case :- APPLICATION U/S 482 No. - 19957 of 2018

Applicant :- Smt. Asha Singh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Akanksha Gaur

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

Heard Ms. Akanksha Gaur, learned counsel for the applicant and Sri Indrajeet Singh, learned AGA for the State.

This application has been filed to expedite the proceedings of Criminal Case No. 580 of 2014, State vs. Omkar and another, arising out of Case Crime No. 26 of 2014, under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Mahila Thana, District Gautam Buddh Nagar pending before the court of Civil Judge (S.D.)/Fast Track Court, Gautam Buddh Nagar within a specified period of time.

It is submitted that the applicant is the first informant, wife. The Court has been taken through the order sheet of the case. It appears that charge sheet in this case was filed on 12.08.2014. The charges have been framed in the case towards the end of year 2017 and 05.02.2018 was the first date set down for hearing. After the said date the case appears to have been adjourned to 26.02.2018, 22.03.2018, 19.04.2018, 26.04.2018 and 24.05.2018 all of which are dates fixed for recording the prosecution evidence. However, on all these days no prosecution evidence was recorded. It may be observed that this is a case instituted on a police report and it is for the court to ensure that the prosecution witnesses appear in time and depose.

A perusal of the order sheet shows that the trial is proceeding at snail's pace. The applicant is the complainant and has an interest to see an early end of the trial. At the same time it is the right of the accused to a speedy trial guaranteed under Article 21 of the Constitution.

Looking to the facts and circumstances also that it is a case arising out of a matrimonial dispute, it is expedient in the interest of justice, trial court shall now proceed with the trial on day to day basis and shall conclude the same expeditiously preferably within a period of six months next, unless there be any legal impediment.

This application stands disposed of with the orders.

Order Date :- 31.5.2018

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