

(2025) 01 AHC CK 1658

In the Allahabad High Court

Case No : Matters Under Article 227 No. 12730 Of 2024

Akhlaque Ahmad And 2 Others

APPELLANT

Vs

State Of U.P. And Another

RESPONDENT

Date of Decision : 02-01-2025

Acts Referred:

Constitution of India, 1950 — Article 226
Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 195, 197,
198(4), 333, 333(2)

Citation : (2025) 01 AHC CK 1658

Hon'ble Judges : Ashutosh Srivastava, J

Bench : Single Bench

Advocate : Ajay Srivastava, Ayub Khan, Rahul Verma, Rajesh Tripathi,
S.K.Dubey, A.C.Srivastava, Anil Kumar, Bhola Nath Yadav, Chandan Sharma, Hira
Lal Singh, Kamal Singh, R P Singh, Ram Surat Saroj, Rohan Gupta, S.D. Kautilya,
S.K. Nigam, S.K. Rao, S.K.Pathak, Satish Chandra Mishra, Shri Krishna Mishra,
Somesh Khare, V.K. Singh

Final Decision : Allowed

Judgement

Saurabh Srivastava, J

1. Heard learned counsel for the parties.
2. The instant petition has been preferred with following prayers:-

"a) set aside the impugned order dated 31.10.2023 passed by Additional Session Judge, Court no. 4, Shahjahanpur in Criminal Revision no. 207 of 2023 (Akhlaque Ahmad and others vs. Mohammad Ali and another) (Annexure no. 1 to the petition) and impugned order dated 03.09.2022 passed by Additional Chief Judicial magistrate, Court no. 17, Shahjahanpur in Complaint Case no. 15016 of 2022 (Mohammad Ali vs. Akhlaque Ahmad and others) under sections 392, 323, 504, 506 IPC, Police Station Rauja, District Shahjahanpur (Annexure no. 02 to the petition)."

3. Learned counsel for the petitioners pressed all the grounds whatsoever has been taken through the instant petition through which, it has been apprised that there is hardly any attraction of sections in which the petitioners have been summoned and all these grounds have not been taken into consideration while passing the order dated 03.09.2022. Being aggrieved with order dated 03.09.2022, petitioner preferred revision which was also rejected vide order dated 31.10.2023 which has been challenged through the instant petition.

4. Learned AGA for the State vehemently opposed the prayer sought through the instant petition.

5. Be that as it may, no useful purpose shall be served by way of giving time for exchange of counter and rejoinder affidavit and keeping the matter pending before this Court and as such, learned Court of Additional Chief Judicial magistrate, Court no. 17, Shahjahanpur/concerned court is hereby directed to expedite and finalize the proceedings of Complaint Case no. 15016 of 2022 (Mohammad Ali vs. Akhlaque Ahmad and others) under sections 392, 323, 504, 506 IPC, Police Station Rauja, District Shahjahanpur, as expeditiously as possible, preferably within a period of 12 months from the date of presentation of certified copy of this order before him without granting any unnecessary adjournment to either of the parties, but after giving full opportunity of hearing to both sides.

6. It is also directed to the parties that no unnecessary adjournment shall be sought unless the same is unavoidable and both the parties are directed to cooperate with the learned court concerned for achieving the directions as made above.

7. However, it is made clear that till the disposal of the above mentioned complaint case no.15016 of 2022 no coercive action shall be initiated against the petitioners.

8. The instant petition is hereby disposed of accordingly.