

(2025) 01 AHC CK 1657

In the Allahabad High Court

Case No : Matters Under Article 227 No. 12741 Of 2024

Smt. Farha And 3 Others

APPELLANT

Vs

State Of U.P. And 7 Others

RESPONDENT

Date of Decision : 02-01-2025

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 19(1)(a), 19(1)(d), 21

Indian Penal Code, 1860 — Section 386, 392

Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986 — Section 2, 3(1)

Citation : (2025) 01 AHC CK 1657

Hon'ble Judges : Siddharth, J;Chandra Sharma, J

Bench : Single Bench

Advocate : J.B. Singh, Rajiv Lochan Shukla

Final Decision : Allowed

Judgement

Saurabh Srivastava, J

1. Heard learned counsel for petitioners, Sri Rakesh Kumar Verma, learned counsel for respondent no. 2 and learned AGA for the State.

2. The instant petition has been preferred with following prayers:-

"i. to issue a suitable order or direction setting aside the impugned order dated 28.08.2024 (filed as Annexure no.1) passed by learned Additional Sessions Judge/Fast Track Court no. 03, Moradabad in Criminal Revision no. 69 of 2023 (Smt. Farha & others vs. State of U.P. & another) as well as the impugned summoning order dated 09.01.2023 (Annexure no.2) passed by learned Additional Chief Judicial Magistrate, Court no. 2, Moradabad in Complaint Case no. 42435 of 2022 (Faizan vs. Smt. Farha & others), to secure the ends of justice;"

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 09.01.2023. Being aggrieved with order dated 09.01.2023, petitioners preferred revision which was also rejected vide order dated 28.8.2024 which has been challenged through the instant petition. It is also submitted by learned counsel for petitioners that petitioners have already been enlarged on bail.

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. 2, Moradabad/concerned court is hereby directed to expedite and finalize the proceedings of Complaint Case no. 42435 of 2022 (Faizan vs. Smt. Farha & others), 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. The instant petition is hereby disposed of accordingly.