

(2011) 05 UK CK 0025

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 421 of 2011

Subhash Chandra Agarwal

APPELLANT

Vs

IIII Addl. Civil Judge (S.D.), Ram Kishore Arya, Trilok
Chandra Arya (Now Dead) Partner Arya Chemical and State
of Uttarakhand

RESPONDENT

Date of Decision : 16-05-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 418

Citation : (2011) 05 UK CK 0025

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973, the Petitioner has sought direction of this Court for day to day hearing of Criminal Case No. 151 of 2011, Subhash Chandra Agarwal v. Ram Kishore, relating to offences punishable u/s 406, 418 of I.P.C., pending in the court of II Addl. Civil Judge (Senior Division) / Addl. Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

3. The trial is pending since 1989. More than 20 years have passed. Perusal of the papers on record shows that the Allahabad High Court while dismissing the earlier petition u/s 482 of Cr.P.C., vide its order dated 10.01.2000, directed the trial court to decide the case within six months. Since then more than ten years have passed, yet the complainant is waiting for the conclusion of trial.

4. It is very unfortunate that the trial court is not proceeding with the trial in the manner directed by the High Court. In the circumstances, this petition u/s 482 of Code of Criminal Procedure is allowed with the direction to the trial court (II

Addl. Civil Judge (Senior Division) / Addl. Chief Judicial Magistrate, Rudrapur), to try the aforesaid case on day to day basis. The Sessions Judge, Udham Singh Nagar, shall monitor and supervise that the order of this Court is complied with. The trial court is directed to report through the Sessions Judge, Udham Singh Nagar, to the Registry of the court within one month regarding compliance of this order, and the conclusion of the trial.