

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25896 of 2024

Applicant :- Javed Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Atharva Dixit, Irshad Husain, Sr. Advocate

Counsel for Opposite Party :- G.A., Mahendra Bahadur Singh, Vijeta Singh

Hon'ble Ajay Bhanot, J.

Matter is taken up in the revised call.

This is the second bail application.

The status report sent by the trial court records that the prosecution proposes to examine 31 witnesses to bring home the charges. However, till date only eight witnesses have been examined.

The concerned Deputy Director (Prosecution) shall file his affidavit disclosing number of witnesses proposed to be examined by the prosecution.

Shri Atharva Dixit, learned counsel for the applicant contends that the applicant is in jail since 07.06.2022. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant is not responsible for the delay in the trial proceedings. The prosecution is deliberately delaying the conduct of the trial to prolong the incarceration of the applicant. Inordinate delay in concluding trial will lead to an indefinite detention of the applicant. The right of the applicant to speedy trial has been violated. The directions issued by this Court to conclude the trial expeditiously in the first Criminal Misc.

Bail Application No. 31899 of 2023 (Javed Ahmad v. State of U.P.) dated 03.10.2023 have not been complied with by the learned trial court.

While deciding the first bail application registered as Criminal Misc. Bail Application No. 31899 of 2023 this Court had alerted the learned trial court of the right of the accused to speedy trial. Various directions were also made upon the learned trial court to expedite the trial and to implement the mandate of Section 309 Cr.P.C./346 BNSS.

Prima facie, it appear that the directions of this Court have not been complied with and this is a rather distressing state of affairs. Disobedience of orders of this Court by the learned trial court strikes directly at the root of the rule of law.

Learned District Judge shall examine the matter and send a report regarding prima facie disobedience of the aforesaid directions of this Court by the learned trial court and the cause for the delay in concluding the trial.

Learned trial court to send a separate report regarding the compliance of the said directions of this Court and cause for the delay in the trial and shall disclose the status of the trial in Case Crime No.147 of 2022 under Sections 147, 148, 149, 302, 307, 427, 120B, 212 I.P.C., at Police Station-Phaphamau, District-Prayagraj along with the following details in tabulated form:-

- (1) Dates on which chargesheet was filed and the charge was framed.
- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List on 15.07.2025.

A copy of this order be communicated to the learned District Judge, Prayagraj by the Registrar (Compliance) by e-mail.

Order Date :- 5.4.2025

Pravin