

**Court No. - 5**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 47472 of 2024

**Applicant :-** Satendra

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Mahendra Singh, Ravi Shankar Tripathi

**Counsel for Opposite Party :-** Amir Khan, G.A.

**Hon'ble Ajay Bhanot, J.**

Matter is taken up in the revised call.

This is the third bail application. The applicant is in jail since 04.09.2023.

Shri Mahendra Singh, learned counsel for the applicant contends that the directions issued by this Court on 04.03.2024 in Criminal Misc. Bail Application No.866 of 2024 have not been complied with by the learned trial court. 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 a speedy trial has been violated.

Status report sent by the trial court discloses that the prosecution proposes to examine 16 witnesses. Only two witnesses have been examined till date. However, all the accused persons have now started appearing before the learned trial court.

While deciding the first bail application registered as Criminal Misc. Bail Application No.866 of 2024 on 04.03.2024 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, Budaun 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.

In the meantime learned trial judge shall send a fresh report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No.173 of 2023 under Sections 147, 148, 149, 304, 323, 504 IPC, Police Station-Ughaiti, District-Budaun and also 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 25.11.2025.

Needless to add, none of the above observations shall be construed adversely against any judicial officer unless the District Judge comes to another conclusion.

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

**Order Date :-** 30.5.2025

Ashish Tripathi