

**Court No. - 49**

**Case :- APPLICATION U/S 482 No. - 10545 of 2021**

**Applicant :- Lalmani Mishra**

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

**Counsel for Applicant :- Rajendra Kumar Singh**

**Counsel for Opposite Party :- G.A**

**Hon'ble Vivek Agarwal,J.**

1. Sri R.K. Singh, learned counsel for the applicant. Sri Nagendra Srivastava, learned AGA for the State.

2. This application has been filed by the applicant under Section 482 Cr.P.C. with a prayer to direct the Sub Divisional Magistrate, Gyanpur, Bhadohi to expedite case no. 4367/2020, CNR No., T202016670404367 under section 145, 146 Cr.P.C., police station Gyanpur, District Bhadohi.

3. Learned counsel for the applicant submits that case is pending since 2020 and learned SDM has not taken any action and the proceedings are unnecessarily lingering on.

4. Sri Nagendra Srivastava on the other hand submits that on 30.9.2020 lawyers were abstaining from work. Next date was 5.10.2020 when again lawyers were abstaining from work, then again on 25.11.2020, 11.12.2020, 23.12.2020, 6.1.2021, 13.1.2021 lawyers were abstaining from work. On 27.1.2021, Presiding Officer was busy in administrative work, then case was listed on 3.2.2021 and again lawyers were abstaining from work. On 10.2.2021, Presiding Officer was on leave and on 17.2.2021 again lawyers were abstaining from work. On 24.2.2021 they sought time, therefore, there is no delay on part of the Presiding Officer/ SDM, but it is misconduct of the lawyer in not appearing before authority and continuously were abstaining from work thus proceedings could not progress. In such facts and circumstances, applicant is free to take action against erring counsel before the Bar Council of UP for continuously abstaining from work and lingering on the case on his part.

5. No case is made out to issue any direction to the concerned authority in exercise of extra ordinary jurisdiction vested in this court under Section 482 Cr.P.C. Application fails and is dismissed.

**Order Date :- 15.7.2021**

**S.K.S.**