

Court No. - 90

Case :- APPLICATION U/S 482 No. - 15075 of 2023

Applicant :- K. Lakshman Das @ Lacchmandas

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Rajpal

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. beseeching the expeditious disposal of Complaint Case No.23500 of 2022 (K.Lakshman Das vs. Yellapu Shiv Surya Prakash Rao) under Section 138 Negotiable Instrument Act (N.I. Act), Police Station Vrindavan, District Mathura, pending in the court of Additional Civil Judge (J.D.) FTC/Judicial Magistrate, Mathura.
3. While entertaining the instant matter, this Court, vide order dated 27.04.2023, has passed the following order :-

"The applicant has come up with a prayer, seeking to expedite and conclude trial of Complaint Case No. 23500 of 2022, K Lakshman Das v. Yellapu Shiv Surya Prakash Rao, under Section 138 of the Negotiable Instruments Act, 1881, Police Station - Vrindavan, District - Mathura, pending before the Court of the Judicial Magistrate, Mathura, within a determinate period of time.

The Judicial Magistrate, Mathura shall submit a report, within a week, indicating current status of the aforesaid case.

Lay this application as fresh on 11.05.2023, along with the report received from the Judicial Magistrate, Mathura.

Let this order be communicated to the Judicial Magistrate, Mathura through the learned Sessions Judge, Mathura by the Registrar (Compliance), within next 24 hours."
4. In pursuance of the order dated 27.04.2023, learned Presiding Officer has submitted his report dated 06.05.2023 with an observations that bailable warrant has been issued to the accused who is residing in Vishakhapatnam (Andhra Pradesh). Report, as submitted by learned court below, is satisfactory. Learned counsel for the applicant submits that till date accused has not appeared and the next date fixed is 12.12.2023.
5. Learned A.G.A. has no objection, if a direction is issued to the court concerned to decide the aforesaid complaint case at the earliest.
6. In this conspectus as above, no useful purpose would be served to keep this matter pending. Therefore, this court deems

it appropriate to finally dispose of the present application, without making any observation on the merits of the case, as mentioned in the application, with a direction to the learned Additional Civil Judge (J.D.) FTC/Judicial Magistrate, Mathura, to decide the aforesaid complaint case no.23500 of 2022 strictly in accordance with law by means of a reasoned and speaking order, expeditiously, preferably, within a period as provided under Section 143(3) of N.I. Act. Learned court concerned is expected to take stringent steps, as provided under the law, to ensure presence of the accused so that aforesaid matter could be decided within the prescribed period.

7. With the aforesaid direction, this petition is finally disposed off.

Order Date :- 23.11.2023

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