

Court No. - 85

Case :- APPLICATION U/S 483 No. - 602 of 2023

Applicant :- Santkripa Traders

Opposite Party :- State Of U.P. Nad 5 Others

Counsel for Applicant :- Syed Mohammad Abbas Abdy, Virendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain, J.

1. Heard Mr. S.M.A. Abdy, learned counsel for the applicant and learned A.G.A. for the State.

2. By means of the present application under Section 483 Cr.P.C., the applicant has sought for a suitable direction to the learned Additional Judge, Saharanpur to consider and decide Complaint Case No.8093 of 2021 (Santkripa Traders Proprietor Kewal Krishna vs. Todarpur Agro Products Pvt. Ltd.), under Sections 138 and 141 of N.I. Act, Police Station- Kotwali Nagar, District- Saharanpur, within time stipulated by this Court.

3. It was submitted by learned counsel for the applicant that one of the co-accused Manmohan Sharma filed an Application under section 482 Cr.P.C. No. 19220 of 2021, in which the order dated 15.02.2022 was passed that no coercive action shall be taken against the applicant. The applicant obtained a certified copy of the order-sheet, which reveals that no order after 15.02.2022 was passed, therefore, as per the mandate of Hon'ble Apex Court in **Asian Resurfacing of Road Agency Pvt. Ltd. and Another vs. Central Bureau of Investigation, reported in 2018 (16) SCC 299**, proceedings would have been forwarded by the trial court by presuming that the stay order was not in force. Learned counsel further submits that a direction may be issued to the concerned Court to decide the same within specific time.

4. No useful purpose would be served in keeping the application pending, which is finally **disposed off** with a direction to court below to consider and decide the aforesaid complaint case expeditiously, in accordance with law, preferably within a period of **six months** from the date of presentation of certified copy of this order, **if there is no other legal impediment**.

Order Date :- 22.11.2023/Saif